

TITLE 71 INDIANA HORSE RACING COMMISSION

ARTICLE 1. DEFINITIONS

Rule 1. Definitions

71 IAC 1-1-1 Applicability

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The definitions in this rule apply to articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this title. (*Indiana Horse Racing Commission; 71 IAC 1-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1113; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2814, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-2 "Act" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. "Act" means IC 4-31 which is the enabling legislation permitting pari-mutuel horse racing in this jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 1-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-3 "Added money" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. "Added money" means the amount added into a stakes by the association, or by sponsors, state-bred programs, or other funds added to those monies gathered by nomination, entry, sustaining, and other fees coming from the horsemen. (*Indiana Horse Racing Commission; 71 IAC 1-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-4 "Age" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. "Age" of a horse foaled in North America shall be reckoned from the first day of January of the year of foaling. (*Indiana Horse Racing Commission; 71 IAC 1-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-5 "Also eligible" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. "Also eligible" means:

(1) a number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(2) the next preferred nonqualifier for the finals or consolation from a set of elimination trials which will become eligible in the event a finalist is scratched by the judges for a rule violation or is otherwise eligible if written race conditions permit.

(*Indiana Horse Racing Commission; 71 IAC 1-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-6 “Appeal” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. “Appeal” means a request for the commission or its designee to investigate, consider, and review any decisions or rulings of judges of a meeting. (*Indiana Horse Racing Commission; 71 IAC 1-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-7 “Applicant” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. “Applicant” means the person or entity filing the application for the purpose of receiving a permit from the commission; the permit will be issued in this name. (*Indiana Horse Racing Commission; 71 IAC 1-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-8 “ARCI” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. “ARCI” means the Association of Racing Commissioners International, Inc. (*Indiana Horse Racing Commission; 71 IAC 1-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-9 “Arrears” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. “Arrears” means all monies owed by a licensee, including subscriptions, forfeitures, and any default incident to these rules. (*Indiana Horse Racing Commission; 71 IAC 1-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-9.1 “Assistant executive director” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9.1. “Assistant executive director” means the assistant executive director of the commission as appointed by the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-9.1; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2398; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-10 “Association” or “permit holder” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 10. “Association” or “permit holder” means a person or business entity holding a permit from the commission to conduct racing with pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 1-1-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-11 “Association grounds” or “enclosure” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 11. "Association grounds" or "enclosure" means all real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the commission, including satellite facilities. (*Indiana Horse Racing Commission; 71 IAC 1-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-12 "Authorized agent" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. "Authorized agent" means a person licensed by the commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner on whose behalf the agent will act. (*Indiana Horse Racing Commission; 71 IAC 1-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-13 "Beneficial interest" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. "Beneficial interest" means profit, benefit, or advantage resulting from a contract or the ownership of an estate as distinct from legal ownership or control. When considered as a designation of the character of an estate, "beneficial interest" means such an interest as a devisee, legatee, or donee takes solely for his own use or benefit and not as a holder of title for the use and benefit of another. (*Indiana Horse Racing Commission; 71 IAC 1-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-14 "Best efforts" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 14. "Best efforts" means an active and serious attempt which is made in good faith, and goes beyond due diligence, to provide the information required to be disclosed. (*Indiana Horse Racing Commission; 71 IAC 1-1-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-15 "Betting interest" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. "Betting interest" means one (1) or more horses in a pari-mutuel contest which are identified by a single program number for wagering purposes. (*Indiana Horse Racing Commission; 71 IAC 1-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-16 "Bleeder list" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 16. "Bleeder list" means a tabulation of all bleeders to be maintained by the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-17 "Breakage" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 17. "Breakage" means the odd cents of all redistributions to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten (10). (*Indiana Horse Racing Commission; 71 IAC 1-1-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-18 "Breeder" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 18. "Breeder" means the owner or lessee of the horse's dam at the time of breeding. (*Indiana Horse Racing Commission; 71 IAC 1-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-19 "Carryover" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 19. "Carryover" means nondistributed pool monies which are retained and added to a corresponding pool in accordance with these rules. (*Indiana Horse Racing Commission; 71 IAC 1-1-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-20 "Claiming race" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 20. "Claiming race" means a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with these rules. (*Indiana Horse Racing Commission; 71 IAC 1-1-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-21 "Classified race" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 21. "Classified race" means a race in which entries are selected by the racing secretary on the basis of ability or past performance. (*Indiana Horse Racing Commission; 71 IAC 1-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-22 "Commission" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 22. "Commission" means the Indiana horse racing commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-22; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-23 "Complaint" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 23. "Complaint" means a written statement submitted to the judges or commission about an issue relating to the conduct of racing. (*Indiana Horse Racing Commission; 71 IAC 1-1-23; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-24 “Conditioned race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 24. “Conditioned race” means an overnight race to which eligibility is determined according to specified conditions which include the following:

- (1) Age.
- (2) Sex.
- (3) Earnings.
- (4) Number of starts.
- (5) Position of finishes.

(Indiana Horse Racing Commission; 71 IAC 1-1-24; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1115; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 1-1-25 “Conditions” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 25. “Conditions” means qualifications which determine a horse's eligibility to be entered in a race. *(Indiana Horse Racing Commission; 71 IAC 1-1-25; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1-1-26 “Contest” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 26. “Contest” means a competitive racing event on which pari-mutuel wagering is conducted. *(Indiana Horse Racing Commission; 71 IAC 1-1-26; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1-1-27 “Contestant” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 27. “Contestant” means an individual participant in a contest. *(Indiana Horse Racing Commission; 71 IAC 1-1-27; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1-1-27.5 “Controlled substance” defined

Authority: IC 4-31-3-9; IC 35-48-1-9
Affected: IC 4-31; IC 35-48-2

Sec. 27.5. “Controlled substance” means a drug, substance, or immediate precursor in Schedule I, II, III, IV, or V under:

- (1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or IC 35-48-2-12, if IC 35-48-2-14 does not apply; or
- (2) a rule adopted by the Indiana state board of pharmacy, if IC 35-48-2-14 applies.

(Indiana Horse Racing Commission; 71 IAC 1-1-27.5; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1668, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 1-1-28 “Coupled entry” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 28. "Coupled entry" means two (2) or more contestants in a contest who are treated as a single betting interest for pari-mutuel wagering purposes. Also, see section 39 of this rule for the definition of entry. (*Indiana Horse Racing Commission; 71 IAC 1-1-28; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-29 "CTA" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 29. "CTA" means Canadian Trotting Association. (*Indiana Horse Racing Commission; 71 IAC 1-1-29; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-30 "Day" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 30. "Day" means a twenty-four (24) hour period beginning at 12:01 a.m. and ending at midnight. Also known as a calendar day. (*Indiana Horse Racing Commission; 71 IAC 1-1-30; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-31 "Dead heat" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 31. "Dead heat" means the finish of a race in which the noses of two (2) or more horses reach the finish line at the same time. (*Indiana Horse Racing Commission; 71 IAC 1-1-31; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-32 "Declaration" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 32. "Declaration" means the naming of a particular horse as a starter in a particular race. (*Indiana Horse Racing Commission; 71 IAC 1-1-32; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-33 "Decoder" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 33. "Decoder" means a device or means to convert encrypted audio-visual signals or data into a form recognizable as the original content of the signals. (*Indiana Horse Racing Commission; 71 IAC 1-1-33; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-34 "Downlink" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 34. "Downlink" means a receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals or data emanating from an organization licensee, and includes the electronic transfer of received signals from the receiving antenna to television monitors within the satellite facility. (*Indiana Horse Racing Commission; 71 IAC 1-1-34; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-35 “Driver” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 35. “Driver” means a person who is licensed to drive in races. (*Indiana Horse Racing Commission; 71 IAC 1-1-35; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-36 “Early closing race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 36. “Early closing race” means a race for a definite amount of money to which entries close at least six (6) weeks prior to the race. (*Indiana Horse Racing Commission; 71 IAC 1-1-36; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-37 “Elimination heats” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 37. “Elimination heats” means the individual heats of a race in which the contestants must qualify for a final heat. (*Indiana Horse Racing Commission; 71 IAC 1-1-37; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-38 “Encryption”, “encrypted”, or “encoded” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 38. “Encryption”, “encrypted”, or “encoded” means the scrambling or other manipulation of the audio-visual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signals without a decoder. (*Indiana Horse Racing Commission; 71 IAC 1-1-38; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-39 “Entry” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 39. “Entry means:

- (1) a horse made eligible to participate in a race; or
- (2) two (2) or more horses, entered in the same race, which have common ties of ownership, leases, or training.

Also, see section 28 of this rule for the definition of coupled entry. (*Indiana Horse Racing Commission; 71 IAC 1-1-39; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-39.1 “Executive director” or “executive secretary” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 39.1. “Executive director” or “executive secretary” means the executive director of the commission as appointed by the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-39.1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2814, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-40 “Exhibition race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 40. “Exhibition race” means a race on which no wagering is permitted. (*Indiana Horse Racing Commission; 71 IAC 1-1-40; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-41 “Expired ticket” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 41. “Expired ticket” means an outstanding ticket which was not presented for redemption within the required time period for which it was issued. (*Indiana Horse Racing Commission; 71 IAC 1-1-41; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-42 “Financial interest” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 42. “Financial interest” means an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of:

- (1) ownership or interest in a horse or business entity; or
- (2) as a result of salary, gratuity, or other compensation or remuneration from any person.

The lessee and lessor of a horse have a financial interest. (*Indiana Horse Racing Commission; 71 IAC 1-1-42; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-42.1 “Foreign substance” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 42.1. “Foreign substance” means all substances except those that exist naturally in an untreated horse at normal physiological concentration, and includes all narcotics, stimulants, depressants, or other drugs or medications of any type. (*Indiana Horse Racing Commission; 71 IAC 1-1-42.1; emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1629; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-43 “Forfeit” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 43. “Forfeit” means money due from an association or a licensee because of error, fault, neglect of duty, breach of contract, or penalty imposed by the judges or the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-43; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-44 “Guest association” or “receiving association” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 44. “Guest association” or “receiving association” means an association which offers licensed pari-mutuel wagering on simulcasted contests conducted by another association (the host) in either the same state or another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 1-1-44; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-45 “Handicap” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 45. “Handicap” means a race in which allowances are made according to a horse's age, sex, claiming price, and performance. (*Indiana Horse Racing Commission; 71 IAC 1-1-45; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-46 “Handle” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 46. “Handle” means the aggregate of all pari-mutuel pools, excluding refundable wagers. (*Indiana Horse Racing Commission; 71 IAC 1-1-46; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1117; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-47 “Horse” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 47. “Horse” means any equine (including and designated as a mare, filly, stallion, colt, ridgeling, or gelding) registered for racing; specifically, an entire male five (5) years of age and older. (*Indiana Horse Racing Commission; 71 IAC 1-1-47; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-48 “Host association” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 48. “Host association” means the association conducting a licensed pari-mutuel meeting from which authorized contests or entire performances are simulcast. (*Indiana Horse Racing Commission; 71 IAC 1-1-48; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-49 “In harness” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 49. “In harness” means that horses shall be hitched to a dual shaft, dual wheeled racing vehicle. (*Indiana Horse Racing Commission; 71 IAC 1-1-49; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-50 “Inquiry” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 50. “Inquiry” means an investigation by the judges of potential interference in a contest prior to declaring the result of the contest official. (*Indiana Horse Racing Commission; 71 IAC 1-1-50; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-51 “Judge” or “steward” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 51. "Judge" or "steward" means a duly appointed racing official or judge with powers and duties specified by these rules. (*Indiana Horse Racing Commission; 71 IAC 1-1-51; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2814, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-52 "Jurisdiction" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 52. "Jurisdiction" of the commission means the state of Indiana. (*Indiana Horse Racing Commission; 71 IAC 1-1-52; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-53 "Late closing race" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 53. "Late closing race" means a race for a fixed amount of money to which entries close less than six (6) weeks but more than three (3) days before the race is to be contested. (*Indiana Horse Racing Commission; 71 IAC 1-1-53; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-54 "Licensee" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 54. "Licensee" means an individual who has received a license from the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-54; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-55 "Maiden" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 55. "Maiden" means a horse that has never won a heat or race at the gait at which it was entered to start and for which a purse is offered. Races or purse money awarded to a horse after the official sign has been posted shall not be considered a winning performance or affect status as a maiden. (*Indiana Horse Racing Commission; 71 IAC 1-1-55; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-56 "Maiden race" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 56. "Maiden race" means a contest restricted to maidens. (*Indiana Horse Racing Commission; 71 IAC 1-1-56; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-57 "Match race" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 57. "Match race" means a race between two (2) or more horses under conditions agreed to by their owners. (*Indiana Horse Racing Commission; 71 IAC 1-1-57; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-58 “Matinee race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 58. “Matinee race” means a race in which no entrance fee is charged and where the premiums, if any, are other than money. (*Indiana Horse Racing Commission; 71 IAC 1-1-58; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-59 “Meeting” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 59. “Meeting” means the period of time for which permission to conduct horse racing has been granted to an association by the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-59; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-60 “Minus pool” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 60. “Minus pool” means when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool. (*Indiana Horse Racing Commission; 71 IAC 1-1-60; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-61 “Month” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 61. “Month” means a calendar month. (*Indiana Horse Racing Commission; 71 IAC 1-1-61; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-62 “Mutuel field” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 62. “Mutuel field” means two (2) or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system. (*Indiana Horse Racing Commission; 71 IAC 1-1-62; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-63 “Net pool” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 63. “Net pool” means the amount of gross ticket sales, less refundable wagers and statutory commissions. (*Indiana Horse Racing Commission; 71 IAC 1-1-63; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-64 “Nomination” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 64. "Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee. (*Indiana Horse Racing Commission; 71 IAC 1-1-64; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-65 "Nominator" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 65. "Nominator" means the person or entity in whose name a horse is nominated for a race or series of races. (*Indiana Horse Racing Commission; 71 IAC 1-1-65; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-66 "Objection" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 66. "Objection" means a verbal claim of foul in a race lodged by the horse's driver, trainer, or owner or the owner's authorized agent before the race is declared official. (*Indiana Horse Racing Commission; 71 IAC 1-1-66; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-67 "Off time" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 67. "Off time" means the moment at which, on the signal of the official starter, the starting gate is opened, officially dispatching the horses in each contest. (*Indiana Horse Racing Commission; 71 IAC 1-1-67; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-68 "Official order of finish" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 68. "Official order of finish" means the order of finish of the horses in a contest as declared official by the judges. (*Indiana Horse Racing Commission; 71 IAC 1-1-68; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-69 "Official starter" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 69. "Official starter" means the official responsible for dispatching the horses for a race. (*Indiana Horse Racing Commission; 71 IAC 1-1-69; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-70 "Official time" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 70. "Official time" means the elapsed time from the moment the first horse crosses the timing beam until the first horse crosses the finish line. (*Indiana Horse Racing Commission; 71 IAC 1-1-70; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-71 “Optional claiming race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 71. “Optional claiming race” means a contest restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race shall be considered, for the purpose of these rules, a claiming race. In the case of horses not entered to be claimed in such a race, the race shall be considered a conditioned race. (*Indiana Horse Racing Commission; 71 IAC 1-1-71; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-72 “Outs” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 72. “Outs” means all pari-mutuel tickets unrepresented or unclaimed as of sixty (60) days after the conclusion of the year in which the ticket was purchased; also known as outstanding tickets. (*Indiana Horse Racing Commission; 71 IAC 1-1-72; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-73 “Overnight race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 73. “Overnight race” means a contest for which entries close at a time set by the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-73; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-74 “Owner” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 74. “Owner” includes part owner, lessee, or lessor, but an interest in the winnings of a horse does not of itself constitute ownership. (*Indiana Horse Racing Commission; 71 IAC 1-1-74; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2068; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-75 “Paddock” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 75. “Paddock” means an enclosed area in which horses scheduled to compete in a contest are confined prior to racing. (*Indiana Horse Racing Commission; 71 IAC 1-1-75; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-76 “Pari-mutuel wagering” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 76. “Pari-mutuel wagering” means a system of wagering in which those persons who wager on horses that finish in specified positions share the total amount wagered, minus deductions permitted by law. (*Indiana Horse Racing Commission; 71 IAC 1-1-76; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-77 “Patron” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 77. “Patron” means a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing. (*Indiana Horse Racing Commission; 71 IAC 1-1-77; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-78 “Payoff” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 78. “Payoff” means the amount of money payable to winning wagers. (*Indiana Horse Racing Commission; 71 IAC 1-1-78; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-79 “Performance” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 79. “Performance” means a schedule of contests conducted on the same day as authorized by the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-79; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-80 “Permit” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 80. “Permit” means an authorization by the commission to an association to conduct horse racing with pari-mutuel wagering at a specified location. (*Indiana Horse Racing Commission; 71 IAC 1-1-80; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-81 “Person” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 81. “Person” means:

- (1) an individual;
- (2) a corporation;
- (3) a trust;
- (4) a partnership;
- (5) a limited partnership;
- (6) an association; or
- (7) a person or other entity.

(*Indiana Horse Racing Commission; 71 IAC 1-1-81; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-81.5 “Possession” or “in their possession” defined

Authority: IC 4-31-2-17
Affected: IC 4-31

Sec. 81.5. “Possession” or “in their possession” means in, on, or about a licensee’s person or a vehicle that the licensee owns,

uses, or has access to; or the entire area assigned to and occupied or used by a licensee, including barns, stables, stalls, tack rooms, or feed rooms. (*Indiana Horse Racing Commission; 71 IAC 1-1-81.5; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1668, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-82 “Post position” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 82. “Post position” means the preassigned position from which a horse will leave the starting gate. (*Indiana Horse Racing Commission; 71 IAC 1-1-82; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-83 “Post time” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 83. “Post time” means the scheduled starting time for a contest. (*Indiana Horse Racing Commission; 71 IAC 1-1-83; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-83.5 “Prescription drug” defined

Authority: IC 4-31-3-9; IC 35-48-1-25

Affected: IC 4-31; IC 16-18-2-199

Sec. 83.5. “Prescription drug” means controlled substance or a legend drug (as defined in IC 16-18-2-199). (*Indiana Horse Racing Commission; 71 IAC 1-1-83.5; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1668, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-84 “Prima facie evidence” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 84. “Prima facie evidence” means evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue. (*Indiana Horse Racing Commission; 71 IAC 1-1-84; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-85 “Profit” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 85. “Profit” means the net pool after deduction of the amount bet on the winners. (*Indiana Horse Racing Commission; 71 IAC 1-1-85; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-86 “Profit split” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 86. “Profit split” means a division of profit among separate winning betting interests or winning betting combinations resulting in two (2) or more payoff prices. (*Indiana Horse Racing Commission; 71 IAC 1-1-86; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-87 "Program" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 87. "Program" means the published listing of all contests and contestants for a specific performance. (*Indiana Horse Racing Commission; 71 IAC 1-1-87; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-88 "Protest" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 88. "Protest" means a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing any act of an owner, trainer, driver, or official prohibited by rules, which, if true, shall exclude that horse or driver from racing. (*Indiana Horse Racing Commission; 71 IAC 1-1-88; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-89 "Purse" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 89. "Purse" means the total cash amount for which a race is contested, provided that the total cash amount for purses may be reduced by any direct remittance by an association to a horsemen's association, subject to the following:

- (1) The approval by the commission of the horsemen's contract pursuant to 71 IAC 11-1-12.
- (2) Any accounting and disbursement preapproval requirements which the commission may require of the horsemen's association.

(*Indiana Horse Racing Commission; 71 IAC 1-1-89; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; emergency rule filed Aug 29, 1994, 2:15 p.m.: 18 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-90 "Race" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 90. "Race" means a contest of speed among horses:

- (1) for a purse, stakes, premiums, wager of money, or admission fees;
- (2) on a course; and
- (3) in the presence of a judge or judges.

(*Indiana Horse Racing Commission; 71 IAC 1-1-90; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-91 "Record" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 91. "Record" means the fastest time at a mile by a horse in a heat or dash which it won. (*Indiana Horse Racing Commission; 71 IAC 1-1-91; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-92 "Restricted area" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 92. "Restricted area" means an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access. (*Indiana Horse Racing Commission; 71 IAC 1-1-92; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-93 "Result" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 93. "Result" means that part of the official order of finish used to determine the pari-mutuel payoff of pools for each individual contest. (*Indiana Horse Racing Commission; 71 IAC 1-1-93; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-94 "Rules" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 94. "Rules" means the rules prescribed in this title and any amendments or additions thereto. (*Indiana Horse Racing Commission; 71 IAC 1-1-94; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-95 "Satellite facility" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 95. "Satellite facility" means a location, other than a race track, authorized by the commission at which pari-mutuel wagering is conducted on horse racing conducted at distant locations and viewable by televised simulcasting. (*Indiana Horse Racing Commission; 71 IAC 1-1-95; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-96 "Satellite transponder" or "transponder" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 96. "Satellite transponder" or "transponder" means leased space segment time of earth-orbit communication satellite. (*Indiana Horse Racing Commission; 71 IAC 1-1-96; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-97 "Scoring" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 97. "Scoring" means the preliminary practice given to horses after the post parade and prior to being called to line up for the start of a race by the official starter. (*Indiana Horse Racing Commission; 71 IAC 1-1-97; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-98 "Scratch" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 98. "Scratch" means the act of withdrawing an entered horse from a contest after the closing of entries. (*Indiana Horse Racing Commission; 71 IAC 1-1-98; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50*)

a.m.: 25 IR 899)

71 IAC 1-1-99 “Scratch time” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 99. “Scratch time” means the deadline set by the commission for withdrawal of entries from a scheduled performance. (*Indiana Horse Racing Commission; 71 IAC 1-1-99; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-100 “Simulcast” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 100. “Simulcast” means live audio and visual electronic signals emanating from a licensed horse racing meeting and transmitted simultaneously with the running of the races at the meeting. This term includes the transmission of pari-mutuel wagering odds, amounts wagered, and payoffs on such events. (*Indiana Horse Racing Commission; 71 IAC 1-1-100; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-101 “Single price pool” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 101. “Single price pool” means an equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price. (*Indiana Horse Racing Commission; 71 IAC 1-1-101; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-102 “Stable name” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 102. “Stable name” means a name used other than the actual legal name of an owner or lessee and registered with the USTA or CTA and the commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-102; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-103 “Stakes race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 103. “Stakes race” means a race which will be contested in a calendar year subsequent to the closing of nominations. (*Indiana Horse Racing Commission; 71 IAC 1-1-103; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-104 “Starter” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 104. “Starter” means a horse which becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter. (*Indiana Horse Racing Commission; 71 IAC 1-1-104; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-105 “Substantial evidence” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 105. “Substantial evidence” means evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance. (*Indiana Horse Racing Commission; 71 IAC 1-1-105; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-106 “Sulky” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 106. “Sulky” means a dual wheel racing vehicle with dual shafts not exceeding the height of the horse’s withers. Shafts must be hooked separately on each side and approved by the USTA. (*Indiana Horse Racing Commission; 71 IAC 1-1-106; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2096; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-107 “Takeout” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 107. “Takeout” means the total amount of money, excluding breakage, withheld from each pari-mutuel pool as authorized by statute or rule. (*Indiana Horse Racing Commission; 71 IAC 1-1-107; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-108 “Totalizator” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 108. “Totalizator” means the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds, and payoff prices to patrons at a pari-mutuel wagering facility. (*Indiana Horse Racing Commission; 71 IAC 1-1-108; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-109 “Two in three race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 109. “Two in three race” means a race in which a horse, must win two (2) heats to be entitled to first place money. (*Indiana Horse Racing Commission; 71 IAC 1-1-109; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-110 “Uplink” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 110. “Uplink” means an earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals or data on Federal Communications Commission-controlled frequencies, and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink. (*Indiana Horse Racing Commission; 71 IAC 1-1-110; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1-1-111 “USTA” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 111. “USTA” means the United States Trotting Association. *(Indiana Horse Racing Commission; 71 IAC 1-1-111; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1-1-112 “Walkover” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 112. “Walkover” means a race in which only one (1) horse starts or in which all the starters are owned by the same interest. To claim the purse, the horse must start and go the distance of the race. *(Indiana Horse Racing Commission; 71 IAC 1-1-112; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1-1-113 “Week” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 113. “Week” means a calendar week. *(Indiana Horse Racing Commission; 71 IAC 1-1-113; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1-1-114 “Winner” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 114. “Winner” means the horse whose nose reaches the finish line first or is placed first through disqualification by the judges. *(Indiana Horse Racing Commission; 71 IAC 1-1-114; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1-1-115 “Year” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 115. “Year” means a calendar year. *(Indiana Horse Racing Commission; 71 IAC 1-1-115; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

ARTICLE 1.5. FLAT RACING; DEFINITIONS

Rule 1. Definitions

71 IAC 1.5-1-1 Applicability

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The definitions in this rule apply to articles 1.5, 2, 3.5, 4.5, 5.5, 6.5, 7.5, 8.5, 9, 10, 11, and 12 of this title. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-2 “Act” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. “Act” means IC 4-31, which is the enabling legislation permitting pari-mutuel horse racing in this jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-3 “Added money” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. “Added money” means the amount added into a stakes by the association, or by sponsors, state-bred programs, or other funds added to those monies gathered by nomination, entry, sustaining, and other fees coming from the horsemen. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-4 “Age” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. “Age” of a horse foaled in North America shall be reckoned from the first day of January of the year of foaling. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-5 “Allowance race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. “Allowance race” means an overnight race for which eligibility and weight to be carried is determined according to specified conditions which include age, sex, earnings, and number of wins. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-6 “Also eligible” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. “Also eligible” means:

(1) a number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(2) the next preferred nonqualifier for the finals or consolation from a set of elimination trials which will become eligible in the event a finalist is scratched by the stewards for a rule violation or is otherwise eligible if written race conditions permit.

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-7 “Appeal” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. “Appeal” means a request for the commission or its designee to investigate, consider, and review any decisions or rulings of stewards of a meeting. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.:*

18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 1.5-1-8 “Applicant” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. “Applicant” means the person or entity filing the application for the purpose of receiving a permit from the commission; the permit will be issued in this name. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-9 “ARCI” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. “ARCI” means the Association of Racing Commissioners International, Inc. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-10 “Arrears” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. “Arrears” means all monies owed by a licensee, including subscriptions, forfeitures, and any default incident to these rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-10.5 “Assistant executive director” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10.5. “Assistant executive director” means the assistant executive director of the commission as appointed by the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-10.5; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2415; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-11 “Association” or “permit holder” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. “Association” or “permit holder” means a person or business entity holding a permit from the commission to conduct racing with pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-11; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-12 “Association grounds” or “enclosure” defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. “Association grounds” or “enclosure” means all real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the commission, including satellite facilities. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-12; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-13 “Authorized agent” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 13. “Authorized agent” means a person licensed by the commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner on whose behalf the agent will act. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-13; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-14 “Beneficial interest” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 14. “Beneficial interest” means profit, benefit, or advantage resulting from a contract or the ownership of an estate as distinct from legal ownership or control. When considered as a designation of the character of an estate, “beneficial interest” means such an interest as a devisee, legatee, or donee takes solely for his own use or benefit and not as a holder of title for the use and benefit of another. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-14; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-15 “Best efforts” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 15. “Best efforts” means an active and serious attempt, which is made in good faith and goes beyond due diligence, to provide the information required to be disclosed. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-15; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-16 “Betting interest” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 16. “Betting interest” means one (1) or more horses in a pari-mutuel contest which are identified by a single program number for wagering purposes. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-16; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-17 “Bleeder list” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 17. “Bleeder list” means a tabulation of all bleeders to be maintained by the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-17; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-18 “Breakage” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 18. “Breakage” means the odd cents of all redistributions to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten (10). (*Indiana Horse Racing Commission; 71 IAC 1.5-1-18; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-19 “Breeder” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 19. “Breeder” means the owner of the horse's dam at the time of foaling for thoroughbreds. For quarter horses, appaloosas, arabians, and paint horses, “breeder” means the owner of the dam at the time of service. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-19; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-20 “Carryover” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 20. “Carryover” means nondistributed pool monies which are retained and added to a corresponding pool in accordance with these rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-20; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-21 “Claiming race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 21. “Claiming race” means a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with these rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-21; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-22 “Commission” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 22. “Commission” means the Indiana horse racing commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-22; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-23 “Complaint” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 23. “Complaint” means a written statement submitted to the stewards or commission about an issue relating to the conduct of racing. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-23; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-24 “Conditions” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 24. “Conditions” means qualifications which determine a horse's eligibility to be entered in a race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-24; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-25 “Contest” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 25. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-25; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-26 "Contestant" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 26. "Contestant" means an individual participant in a contest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-26; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-26.5 "Controlled substance" defined

Authority: IC 4-31-3-9; IC 35-48-1-9
Affected: IC 4-31; IC 35-48-2

Sec. 26.5. "Controlled substance" means a drug, substance, or immediate precursor in Schedule I, II, III, IV, or V under:
(1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or IC 35-48-2-12, if IC 35-48-2-14 does not apply; or
(2) a rule adopted by the Indiana board of pharmacy, if IC 35-48-2-14 applies.

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-26.5; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-27 "Coupled entry" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 27. "Coupled entry" means two (2) or more contestants in a contest who are treated as a single betting interest for pari-mutuel wagering purposes. Also, see section 34 of this rule for the definition of entry. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-27; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; errata filed Feb 11, 1999, 2:52 p.m.: 22 IR 2273; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-28 "Day" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 28. "Day" means a twenty-four (24) hour period beginning at 12:01 a.m., eff Jul 1, 1995, and ending at midnight. Also known as a calendar day. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-28; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-29 "Dead heat" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 29. "Dead heat" means the finish of a race in which the noses of two (2) or more horses reach the finish line at the same time. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-29; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-30 "Declaration" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 30. "Declaration" means the act of withdrawing an entered horse from a race prior to the closing of entries. (*Indiana*

Horse Racing Commission; 71 IAC 1.5-1-30; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 1.5-1-31 “Decoder” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 31. “Decoder” means a device or means to convert encrypted audio-visual signals or data into a form recognizable as the original content of the signals. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-31; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-32 “Downlink” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 32. “Downlink” means a receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals or data emanating from an organization licensee, and includes the electronic transfer of received signals from the receiving antenna to television monitors within the satellite facility. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-32; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-33 “Encryption”, “encrypted”, or “encoded” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 33. “Encryption”, “encrypted”, or “encoded” means the scrambling or other manipulation of the audio-visual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signals without a decoder. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-33; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-34 “Entry” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 34. “Entry” means:

- (1) a horse made eligible to participate in a race; or
- (2) two (2) or more horses, entered in the same race, which have common ties of ownership, leases, or training.

Also, see section 27 of this rule for the definition of coupled entry. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-34; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; errata filed Feb 11, 1999, 2:52 p.m.: 22 IR 2273; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-35 “Executive director” or “executive secretary” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 35. “Executive director” or “executive secretary” means the executive director of the commission as appointed by the commission. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-35; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-36 “Exhibition race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 36. “Exhibition race” means a race on which no wagering is permitted. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-36; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-37 “Expired ticket” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 37. “Expired ticket” means an outstanding ticket which was not presented for redemption within the required time period for which it was issued. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-37; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-38 “Financial interest” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 38. “Financial interest” means an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of:

- (1) ownership or interest in a horse or business entity; or
- (2) as a result of salary, gratuity, or other compensation or remuneration from any person.

The lessee and lessor of a horse have a financial interest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-38; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-39 “Flat race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 39. “Flat race” means a race which horses mounted by jockeys run over a course on which no jumps or other obstacles are placed. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-39; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-40 “Foreign substance” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 40. “Foreign substance” means all substances except those that exist naturally in an untreated horse at normal physiological concentration, and includes all narcotics, stimulants, depressants, or other drugs or medications of any type. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-40; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-41 “Forfeit” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 41. “Forfeit” means money due from an association or a licensee because of error, fault, neglect of duty, breach of contract, or penalty imposed by the stewards or the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-41; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-42 “Guest association” or “receiving association” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 42. “Guest association” or “receiving association” means an association which offers licensed pari-mutuel wagering on simulcasted contests conducted by another association (the host) in either the same state or another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-42; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-43 “Handicap” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 43. “Handicap” means a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for purposes of equalizing the chances of winning for all horses entered. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-43; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-44 “Handle” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 44. “Handle” means the aggregate of all pari-mutuel pools, excluding refundable wagers. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-44; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-45 “Horse” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 45. “Horse” means any equine (including and designated as a mare, filly, stallion, colt, ridgeling, or gelding) registered for racing; specifically, an entire male five (5) years of age and older. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-45; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-46 “Host association” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 46. “Host association” means the association conducting a licensed pari-mutuel meeting from which authorized contests or entire performances are simulcast. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-46; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-47 “Inquiry” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 47. “Inquiry” means an investigation by the stewards of potential interference in a contest prior to declaring the result of the contest official. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-47; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-48 “Jockey” or “rider” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 48. “Jockey” or “rider” means a professional rider licensed to ride in races. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-48; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-49 “Judge” or “steward” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 49. “Judge” or “steward” means a duly appointed racing official or judge with powers and duties specified by these rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-49; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-50 “Jurisdiction” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 50. “Jurisdiction” of the commission means the state of Indiana. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-50; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-51 “Licensee” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 51. “Licensee” means an individual who has received a license from the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-51; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-52 “Maiden” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 52. “Maiden” means a horse that has never won an official or recognized race as defined in breed registry rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-52; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-53 “Maiden race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 53. “Maiden race” means a contest restricted to maidens. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-53; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-54 “Match race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 54. “Match race” means a race between two (2) or more horses under conditions agreed to by their owners. (*Indiana*

Horse Racing Commission; 71 IAC 1.5-1-54; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 1.5-1-55 “Meeting” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 55. “Meeting” means the period of time for which permission to conduct horse racing has been granted to an association by the commission. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-55; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-56 “Minus pool” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 56. “Minus pool” means when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-56; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-57 “Month” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 57. “Month” means a calendar month. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-57; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-58 “Mutuel field” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 58. “Mutuel field” means two (2) or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-58; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-59 “Net pool” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 59. “Net pool” means the amount of gross ticket sales, less refundable wagers and statutory commissions. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-59; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-60 “Nomination” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 60. “Nomination” means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-60; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 1.5-1-61 “Nominator” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 61. “Nominator” means the person or entity in whose name a horse is nominated for a race or series of races. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-61; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-62 “Objection” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 62. “Objection” means a verbal claim of foul in a race lodged by the horse's jockey, trainer, or owner or the owner's authorized agent before the race is declared official. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-62; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-63 “Off time” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 63. “Off time” means the moment at which, on the signal of the official starter, the starting gate is opened, officially dispatching the horses in each contest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-63; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-64 “Official order of finish” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 64. “Official order of finish” means the order of finish of the horses in a contest as declared official by the stewards. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-64; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-65 “Official starter” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 65. “Official starter” means the official responsible for dispatching the horses for a race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-65; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-66 “Official time” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 66. “Official time” means the elapsed time from the moment the first horse crosses the timing beam until the first horse crosses the finish line. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-66; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-67 “Optional claiming race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 67. "Optional claiming race" means a contest restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race shall be considered, for the purpose of these rules, a claiming race. In the case of horses not entered to be claimed in such a race, the race shall be considered an allowance race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-67; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-68 "Outs" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 68. "Outs" means all pari-mutuel tickets unrepresented or unclaimed as of sixty (60) days after the conclusion of the year in which the ticket was purchased; also known as outstanding tickets. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-68; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-69 "Overnight race" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 69. "Overnight race" means a contest for which entries close at a time set by the racing secretary; also known as a purse race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-69; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-70 "Owner" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 70. "Owner" includes part owner, lessee, or lessor, but an interest in the winnings of a horse does not of itself constitute ownership. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-70; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-71 "Paddock" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 71. "Paddock" means the area in which horses scheduled to compete in a contest are saddled prior to racing. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-71; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-72 "Pari-mutuel wagering" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 72. "Pari-mutuel wagering" means a system of wagering in which those persons who wager on horses that finish in specified positions share the total amount wagered, minus deductions permitted by law. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-72; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-73 "Patron" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 73. "Patron" means a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-73; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-74 "Payoff" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 74. "Payoff" means the amount of money payable to winning wagers. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-74; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-75 "Performance" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 75. "Performance" means a schedule of contests conducted on the same day as authorized by the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-75; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-76 "Permit" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 76. "Permit" means an authorization by the commission to an association to conduct horse racing with pari-mutuel wagering at a specified location. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-76; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-77 "Person" defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 77. "Person" means:

- (1) an individual;
- (2) a corporation;
- (3) a trust;
- (4) a partnership;
- (5) a limited partnership;
- (6) an association; or
- (7) a person or other entity.

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-77; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-77.5 "Possession" or "in their possession" defined

Authority: IC 4-31-2-17
Affected: IC 4-31

Sec. 77.5. "Possession" or "in their possession" means:

- (1) in, on, or about a licensee's person or a vehicle that the licensee owns, uses, or has access to; and
- (2) the entire area assigned to and occupied or used by a licensee, including barns, stables, stalls, tack rooms, or feed rooms.

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-77.5; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-78 “Post position” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 78. “Post position” means the preassigned position from which a horse will leave the starting gate. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-78; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-79 “Post time” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 79. “Post time” means the scheduled time for the horses to arrive at the starting gate. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-79; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-79.5 “Prescription drug” defined

Authority: IC 4-31-3-9; IC 35-48-1-25
Affected: IC 4-31; IC 16-18-2-199

Sec. 79.5. “Prescription drug” means controlled substance or a legend drug (as defined in IC 16-18-2-199). (*Indiana Horse Racing Commission; 71 IAC 1.5-1-79.5; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-80 “Prima facie evidence” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 80. “Prima facie evidence” means evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-80; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-81 “Profit” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 81. “Profit” means the net pool after deduction of the amount bet on the winners. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-81; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-82 “Profit split” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 82. “Profit split” means a division of profit among separate winning betting interests or winning betting combinations resulting in two (2) or more payoff prices. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-82; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-83 “Program” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 83. "Program" means the published listing of all contests and contestants for a specific performance. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-83; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-84 "Protest" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 84. "Protest" means a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing any act of an owner, trainer, jockey, or official prohibited by rules, which, if true, shall exclude that horse or jockey from racing. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-84; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-85 "Purse" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 85. "Purse" means the total cash amount for which a race is contested, provided that the total cash amount for purses may be reduced by any direct remittance by an association to a horsemen's association, subject to the following:

(1) The approval by the commission of the horsemen's contract pursuant to 71 IAC 11-1-12.

(2) Any accounting and disbursement preapproval requirements which the commission may require of the horsemen's association.

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-85; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-86 "Race" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 86. "Race" means a contest of speed among horses:

(1) for a purse, stakes, premiums, wager of money, or admission fees;

(2) on a course; and

(3) in the presence of a steward or stewards.

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-86; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-87 "Restricted area" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 87. "Restricted area" means an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-87; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-88 "Result" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 88. "Result" means that part of the official order of finish used to determine the pari-mutuel payoff of pools for each individual contest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-88; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-89 “Rules” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 89. “Rules” means the rules prescribed in this title and any amendments or additions thereto. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-89; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-90 “Satellite facility” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 90. “Satellite facility” means a location, other than a race track, authorized by the commission at which pari-mutuel wagering is conducted on horse racing conducted at distant locations and viewable by televised simulcasting. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-90; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-91 “Satellite transponder” or “transponder” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 91. “Satellite transponder” or “transponder” means leased space segment time of earth-orbit communication satellite. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-91; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-92 “Scratch” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 92. “Scratch” means the act of withdrawing an entered horse from a contest after the closing of entries. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-92; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-93 “Scratch time” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 93. “Scratch time” means the deadline set by the association and approved by the commission or stewards for withdrawal of entries from a scheduled performance. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-93; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-94 “Simulcast” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 94. “Simulcast” means live audio and visual electronic signals emanating from a licensed horse racing meeting and transmitted simultaneously with the running of the races at the meeting. This term includes the transmission of pari-mutuel wagering odds, amounts wagered, and payoffs on such events. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-94; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-95 “Single price pool” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 95. “Single price pool” means an equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-95; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-96 “Stable name” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 96. “Stable name” means a name used other than the actual legal name of an owner or lessee and registered with the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-96; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-97 “Stakes race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 97. “Stakes race” means a contest in which nomination, entry, or starting fees contribute to the purse. No overnight race shall be considered a stakes race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-97; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-98 “Starter” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 98. “Starter” means a horse which becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-98; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-99 “Steeplechase race” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 99. “Steeplechase race” means a contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-99; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-100 “Substantial evidence” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 100. “Substantial evidence” means evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-100; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-101 “Takeout” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 101. “Takeout” means the total amount of money, excluding breakage, withheld from each pari-mutuel pool as authorized by statute or rule. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-101; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-102 “Totalizator” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 102. “Totalizator” means the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds, and payoff prices to patrons at a pari-mutuel wagering facility. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-102; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-103 “Uplink” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 103. “Uplink” means an earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals or data on Federal Communications Commission-controlled frequencies, and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-103; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-104 “Walkover” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 104. “Walkover” means a race in which only one (1) horse starts or in which all the starters are owned by the same interest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-104; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-105 “Week” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 105. “Week” means a calendar week. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-105; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-106 “Weigh in” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 106. “Weigh in” means the presentation of a jockey to the clerk of scales for weighing after a race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-106; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-107 “Weigh out” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 107. “Weigh out” means the presentation of a jockey to the clerk of scales for weighing prior to a race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-107; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-108 “Weight for age” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 108. “Weight for age” means a race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-108; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-109 “Winner” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 109. “Winner” means the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-109; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 1.5-1-110 “Year” defined

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 110. “Year” means a calendar year. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-110; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 2. COMMISSION

Rule 1. Purpose

71 IAC 2-1-1 Purpose

Authority: IC 4-31-3-9
Affected: IC 4-31-3

Sec. 1. (a) The commission, created by IC 4-31-3, is charged with implementing, administering, and enforcing the Act. It is the intent of the commission these rules be interpreted in the best interests of the public and the state of Indiana.

(b) Through these rules, the commission intends to encourage:

- (1) agriculture;
- (2) the horse breeding industry;
- (3) the horse training industry;
- (4) tourism; and
- (5) employment opportunities;

in the state of Indiana related to horse racing and to control and regulate pari-mutuel wagering in connection with that horse racing to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity. (*Indiana Horse Racing Commission; 71 IAC 2-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124;*

readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 2. General Authority

71 IAC 2-2-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The commission shall regulate each race meeting and the persons who participate in each race meeting.

(b) Pursuant to the authority granted in the Act, the commission may delegate to the executive director and the judges all powers and duties necessary to fully implement the purposes of the Act.

(c) The commission or the executive director may waive a rule upon a showing of good cause by an association or licensee, or if compliance with a rule is impractical or unduly burdensome, provided that the grant of the requested waiver would ensure that pari-mutuel wagering on horse races in Indiana would continue to be conducted with the highest standards and the greatest level of integrity. (*Indiana Horse Racing Commission; 71 IAC 2-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2068; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Membership and Meetings

71 IAC 2-3-1 Membership and meetings

Authority: IC 4-31-3-9

Affected: IC 4-21.5; IC 4-31-3-1; IC 4-31-3-10; IC 5-14-1.5

Sec. 1. (a) The commission consists of five (5) members appointed as prescribed by IC 4-31-3-1.

(b) The commission shall appoint a director (executive director) and an assistant director as prescribed by IC 4-31-3-10.

(c) The commission shall meet at the call of the chair or as otherwise provided by statute. Notice of the meetings must be given, and the meetings must be conducted in accordance with the Indiana Open Door Law, IC 5-14-1.5.

(d) A majority of the commission constitutes a quorum. When a quorum is present, three (3) affirmative votes are required for the commission to take an action.

(e) Except as otherwise provided by the Act, the commission rules and orders are subject to the Administrative Orders and Procedures Act, IC 4-21.5.

(f) A commission member may not act in the name of the commission on any matter without three (3) affirmative votes of the commission. (*Indiana Horse Racing Commission; 71 IAC 2-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2069; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Annual Report

71 IAC 2-4-1 Annual report

Authority: IC 4-31-3-9

Affected: IC 4-31-3-8

Sec. 1. The commission shall submit an annual report as prescribed by the Act. (*Indiana Horse Racing Commission; 71 IAC 2-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 5. Employees

71 IAC 2-5-1 Employees

Authority: IC 4-31-3-9

Affected: IC 4-31-3; IC 4-31-13-7

Sec. 1. (a) The commission shall employ an executive director and an assistant executive director who shall employ other employees necessary to implement, administer, and enforce the Act.

(b) The executive director and assistant executive director shall maintain the records of the commission and shall perform other duties as required by the commission. Except as otherwise provided by these rules, if a rule of the commission places a duty on the executive director, the executive director may delegate that duty to another employee of the commission. The commission, the executive director and the assistant executive director may not employ or continue to employ a person:

- (1) who owns a financial interest in an association in this jurisdiction;
- (2) who accepts remuneration from an association in this jurisdiction, unless otherwise approved by the commission or the executive director;
- (3) who is an owner, lessor, or lessee of a horse that is entered in a race in this jurisdiction; or
- (4) who accepts or is entitled to a part of the purse or purse supplement to be paid on a horse in a race held in this jurisdiction.

(c) Commission employees shall not wager directly or indirectly, at any live racing meeting, on any simulcast races received at a track if the employee is employed at or has any official responsibilities at any time at that track.

(d) The commission shall appoint the judges at each racing meeting. (*Indiana Horse Racing Commission; 71 IAC 2-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2069; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2424; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 6. Power of Entry

71 IAC 2-6-1 Power of entry

Authority: IC 4-31-3-9

Affected: IC 4-31-3; IC 4-31-13

Sec. 1. (a) A member or employee of the commission, a judge, a peace officer, or a designee of such a person may enter any area on association grounds or other place of business of an association at any time to enforce or administer the Act or commission rules.

(b) An association, or an officer, employee or agent of an association may not hinder a person who is conducting an investigation under or attempting to enforce or administer the Act or these rules. (*Indiana Horse Racing Commission; 71 IAC 2-6-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1125; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 7. Subpoenas

71 IAC 2-7-1 Subpoenas

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3; IC 4-31

Sec. 1. (a) A member of the commission, the executive director, the judges, the presiding officer of a commission proceeding, or other person authorized to perform duties under the Act may require by subpoena the attendance of witnesses and the reproduction of books, records, papers, correspondence, and other documents.

(b) A member of the commission, the executive director, a presiding officer of a commission proceeding, or other person authorized by the commission may administer an oath or affirmation to a witness appearing before the commission or a person authorized by the commission.

(c) If a person fails to comply with a subpoena issued on behalf of the commission, the commission or executive director may invoke the aid of the appropriate court in requiring compliance with the subpoena. For a person compelled to appear before the commission under this section, the commission shall pay expenses in accordance with the statutory provisions for state employees. The commission reserves the right to bill the expenses to parties requiring the appearance of the subpoenaed person. (*Indiana Horse Racing Commission; 71 IAC 2-7-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1125; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2069; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 8. Records

71 IAC 2-8-1 Records

Authority: IC 4-31-3-9

Affected: IC 4-31; IC 5-14-3

Sec. 1. (a) Except as otherwise provided by the Act, commission records are subject to the Access to Public Records Act, IC 5-14-3.

(b) Except as otherwise authorized by statute, all original records of the commission shall be maintained in the main offices of the commission. No person may remove an original record from the offices of the commission without the approval of the executive director.

(c) To inspect commission records, a person must make a written request to the executive director on a form prescribed by the commission and must pay all costs, including preparing or copying the record and postage, if applicable. (*Indiana Horse Racing Commission; 71 IAC 2-8-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1125; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2070; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 9. Allocation of Race Dates and Permits

71 IAC 2-9-1 Allocation of race dates and permits

Authority: IC 4-31-3-9

Affected: IC 4-31-5

Sec. 1. (a) The commission shall allocate race dates and permits to each association in accordance with the Act and after consideration of the factors in 71 IAC 11-1-7. An association shall apply to the commission not later than November 1 of each year for race dates to be conducted in the next year. The application must contain the information required by statute and commission licensing procedures. After the request is filed, the commission may require the association to submit additional information.

(b) The burden of proof is on the association to demonstrate that the assignment and allocation of the race dates will be in the public interest and will achieve the purposes of the Act.

(c) The association shall be obligated to conduct pari-mutuel racing, except in the case of emergencies, on each race date allocated. Any change in race dates must be approved by the commission. In the case of emergencies, the judges may authorize cancellation of all or a portion of any race day.

(d) Racing dates shall be issued by the commission no later than December 31 of each year. (*Indiana Horse Racing Commission; 71 IAC 2-9-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1125; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3124, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 10. Exclusion of Patrons

71 IAC 2-10-1 Exclusion of patrons and licensed and unlicensed persons

Authority: IC 4-31-3-9

Affected: IC 4-31-13-1

Sec. 1. (a) The judges, executive director, or commission may order an individual ejected or excluded from all or part of any premises under the regulatory jurisdiction of the commission if the judges, executive director, or commission determines that:

(1) the individual may be ejected or excluded under IC 4-31-13-1(a)(3); and

(2) the individual's presence on association grounds is inconsistent with maintaining the honesty and integrity of racing.

(b) An exclusion may be ordered separately or in conjunction with other disciplinary action taken by the judges or commission. If an exclusion is ordered separately, the excluded individual is entitled to a hearing before the judges or commission. A hearing on an exclusion shall be conducted in the same manner as other hearings conducted by the judges or commission.

(c) Unless otherwise provided, exclusions under this section shall be for all of the premises under the regulatory jurisdiction of the commission, including satellite facilities. (*Indiana Horse Racing Commission; 71 IAC 2-10-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1125; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2070; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2151; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 11. Penalties

71 IAC 2-11-1 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-12-16; IC 4-31-13-1

Sec. 1. In assessing penalties, the commission shall consider the severity of the violation and may consider the licensee's record, including the number and recency of past rulings in Indiana or other racing jurisdictions with special notice taken of the same or related offenses. The licensee's criminal record may also be considered. (*Indiana Horse Racing Commission; 71 IAC 2-11-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 12. Procedures for Submitting Petitions for Promulgation or Repeal of Rules

71 IAC 2-12-1 Procedures

Authority: IC 4-31-3-9

Affected: IC 4-22-2-3; IC 4-31-3

Sec. 1. (a) A request for promulgation, amendment, or repeal of a rule shall set forth in its entirety, and in writing, the requested rule or the suggested amendment or the repeal of any rule in effect. Such petition shall set forth fully the view of the petitioner and any reason the petitioner has in support of such views.

(b) All petitions filed with the commission more than ten (10) days prior to a regularly scheduled meeting date may be placed on the agenda of the commission, at the discretion of the commission, at its next regularly scheduled meeting. (*Indiana Horse Racing Commission; 71 IAC 2-12-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 3. OFFICIALS

Rule 1. General Provisions

71 IAC 3-1-1 Racing officials

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Officials at a race meeting include the following:

- (1) Judges.
- (2) Racing secretary.
- (3) Paddock judge.
- (4) Horse identifier.
- (5) Clerk of the course.
- (6) Official starter.
- (7) Official charter.
- (8) Official timer.
- (9) Photo finish technician.
- (10) Patrol judges.
- (11) Program director.
- (12) Official (state/commission) veterinarian.

(13) Racing veterinarian.

(Indiana Horse Racing Commission; 71 IAC 3-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3-1-2 Eligibility

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. To qualify as a racing official or a designated association employee as listed in this article, the appointee must be licensed by the commission after a determination that he or she:

- (1) is of good moral character and reputation;
- (2) is experienced in or knowledgeable in racing;
- (3) is familiar with the duties to which he or she is appointed and with the commission's rules of harness racing;
- (4) possesses the mental and physical capacity to perform his or her duties;
- (5) is not under suspension or ejection by the USTA, the CTA, or any racing jurisdiction; and
- (6) meets the licensing criteria pursuant to 71 IAC 5-1-14.

(Indiana Horse Racing Commission; 71 IAC 3-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2903; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2152; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3-1-2.1 Approval of racing officials and designated association employees

Authority: IC 4-31-3-9

Affected: IC 4-31-5-5; IC 4-31-6

Sec. 2.1. (a) Each association shall submit to the commission for its approval or disapproval the names of all persons who the association has selected as racing officials. In addition to racing officials, this section shall apply to the association's mutuel manager, director of security, and facility managers at satellite facilities. This section shall also apply to the assistant mutuel manager, the assistant director of security, and assistant facility managers at satellite facilities.

(b) The association shall submit to the commission, in writing, a list of all racing officials and applicable employees at least sixty (60) days prior to the opening of a race meeting. The list shall:

- (1) indicate whether the nominee has been previously licensed by the commission and, if so, in what capacity; and
- (2) be accompanied by the filing of the following information on all individuals not previously licensed by the commission:
 - (A) A resume detailing experience and qualifications.
 - (B) A completed application on forms furnished by the commission and accompanied by the required fee pursuant to 71 IAC 5-1-1.
 - (C) A completed fingerprint card.

(c) Notwithstanding the time period required by subsection (b), the association shall submit to the commission at the earliest possible time the information required by this section on those racing officials and applicable employees whose duties commence substantially before the start of the race meeting. *(Indiana Horse Racing Commission; 71 IAC 3-1-2.1; emergency rule filed May 16, 1994, 4:30 p.m.: 17 IR 2370; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2070; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2152; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3-1-3 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31-13-7

Sec. 3. (a) Racing officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

- (1) Participate in the sale, purchase, or ownership of any horse racing at the meeting.
- (2) Sell or solicit horse insurance on any horse racing at the meeting.
- (3) Be licensed in any other capacity without permission of the commission.

(4) Directly or indirectly wager on the outcome of any live or simulcast race.

(5) Refuse to take a breath analyzer test or submit a blood or urine sample when directed by the commission or its designee.

(b) The prohibited practices in this section also apply to all employees in the racing secretary's office.

(c) Subsection (a) shall also apply to the spouse of the racing official and the racing official's assistants and subdivision (1) of subsection (a) [subsection (a)(1)] shall also apply to the dependent children of the racing official and the racing official's assistants. (*Indiana Horse Racing Commission; 71 IAC 3-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-1-4 Report of violations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. All licensees, including racing officials and their assistants, shall report immediately to the judges every observed violation of these rules and of the laws of this jurisdiction governing racing. (*Indiana Horse Racing Commission; 71 IAC 3-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-1-5 Complaints against officials

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. Any complaint against a racing official other than a judge shall be made to the judges in writing and signed by the complainant. All such complaints shall be reported to the commission by the judges, together with a report of the action taken or the recommendation of the judges. Complaints against any judge shall be made in writing to the commission and signed by the complainant. (*Indiana Horse Racing Commission; 71 IAC 3-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-1-6 Appointment

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. A person shall not be appointed to more than one (1) racing official position at a meeting unless specifically approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 3-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-1-7 Appointment of substitute officials

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. Where a vacancy exists among the association's racing officials, the association shall fill the vacancy immediately. Such appointment shall be effective until the vacancy is filled in accordance with this article. In addition, the executive director or the judges have the authority to approve temporary, emergency appointments. (*Indiana Horse Racing Commission; 71 IAC 3-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-1-8 Appointment of substitute judge

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. Should any judge be absent at race time, the remaining judges shall appoint a deputy for the absent judge. If a deputy judge is appointed, the commission shall be notified immediately by the judges. (*Indiana Horse Racing Commission; 71 IAC 3-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Judges

71 IAC 3-2-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The judges for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this jurisdiction and these rules.

(b) The judges shall enforce these rules and the racing laws of this jurisdiction.

(c) The authority of the judges includes supervision of all:

- (1) racing officials;
- (2) track management;
- (3) licensed personnel;
- (4) other persons responsible for the conduct of racing; and
- (5) patrons;

as necessary to ensure compliance with these rules.

(d) The judges shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(e) The judges have the authority to interpret these rules and to decide all questions of racing not specifically covered by these rules. (*Indiana Horse Racing Commission; 71 IAC 3-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-2-2 Period of authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The period of authority of the judges shall commence not more than thirty (30) days prior to the beginning of each race meeting and shall terminate with completion of their official business pertaining to the meeting. (*Indiana Horse Racing Commission; 71 IAC 3-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-2-3 Disciplinary action

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) The judges shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The judges shall have authority to do the following:

- (1) Charge any licensee for a violation of these rules.
- (2) Conduct hearings.
- (3) Impose disciplinary action in accordance with these rules.

(c) The judges may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The judges may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The judges have the power to administer oaths and examine witnesses.

(f) The judges shall submit a written report to the commission of every inquiry and hearing.

(g) The judges may impose, but are not limited to, any of the following penalties on a licensee for a violation of the Act or these rules:

- (1) Issue a reprimand.
- (2) Assess a fine.
- (3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.
- (4) Place a licensee on probation.

- (5) Suspend a license or racing privileges.
- (6) Exclude from grounds under the jurisdiction of the commission.
- (7) Any relief deemed appropriate.
- (h) The judges may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.
- (i) The judges may:
 - (1) suspend a license for not more than sixty (60) days per violation;
 - (2) impose a fine not to exceed one thousand dollars (\$1,000) for each violation;
 - (3) suspend and fine; or
 - (4) order that a person be ineligible for licensing.
- (j) A ruling of the judges shall not prevent the commission from imposing a more severe penalty.

(k) The judges may refer any matter to the commission and may include recommendations for disposition. The absence of a judges' referral shall not preclude commission action in any matter.

(l) Purses, prizes, awards, and trophies shall be redistributed if the judges or commission order a change in the official order of finish.

(m) All fines imposed by the judges shall be paid to the commission in accordance with 71 IAC 7-5. (*Indiana Horse Racing Commission; 71 IAC 3-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2071; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-2-4 Protests, objections, and complaints

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The judges shall investigate promptly and render a decision in every protest, objection, and complaint made to them. They shall maintain a record of all protests, objections, and complaints. The judges shall file daily with the commission a copy of each protest, objection, or complaint and any related ruling. (*Indiana Horse Racing Commission; 71 IAC 3-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-2-5 Presence of judges

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. Three (3) judges shall be present in the judge's stand during the contesting of each race. (*Indiana Horse Racing Commission; 71 IAC 3-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-2-6 Order of finish for pari-mutuel wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) The judges shall determine the official order of finish for each race in accordance with 71 IAC 7.

(b) The decision of the judges as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the contesting of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool. (*Indiana Horse Racing Commission; 71 IAC 3-2-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-2-7 Cancel wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. The judges have the authority to:

- (1) cancel wagering and order refunds where applicable on an individual betting interest or on an entire race; and

(2) cancel a pari-mutuel pool for a race or races; if such action is necessary to protect the integrity of pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 3-2-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-2-8 Records and reports

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) The judges shall prepare a daily report, on a form approved by the commission, detailing their actions and observations made during each day's race program. The report shall contain the following:

- (1) The name of the race track.
- (2) The date.
- (3) The weather and track conditions.
- (4) Claims, inquiries, and objections.
- (5) Any unusual circumstances or conditions.

The report shall be signed by each judge and be filed with the commission not later than twenty-four (24) hours after the end of each race day.

(b) The presiding judge shall maintain a detailed log of the official activities of the judges. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the judges and all interviews, investigations, and rulings made by the judges. The log shall be available at all times for inspection by the commission or its designee.

(c) Not later than seven (7) days after the last day of a race meeting, the presiding judge shall submit to the commission a written report regarding the race meeting. The report shall contain:

- (1) The observations and comments of the judges regarding the conduct of the race meeting, and the overall conditions of the association grounds during the race meeting.
- (2) Any recommendations for improvement by the association or action by the commission.

(*Indiana Horse Racing Commission; 71 IAC 3-2-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-2-9 Judge's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) The judges shall maintain a judge's list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of the participants and for the protection of the wagering public. The reasons for a horse to be placed on the judge's list and ordered to qualify shall include, but not be limited to, the following on a fast or good track:

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race unless finishing 1st, 2nd, or 3rd. Two (2) year old nonwagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time following a qualifying race.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Failing to go in qualifying time in two (2) consecutive starts.
- (6) Making breaks in two (2) consecutive starts unless finishing 1st, 2nd, or 3rd in one (1) of the two (2).
- (7) Being scratched sick or lame in two (2) consecutive programmings or scratched sick or lame from a race following a qualifying race.
- (8) Scratched sick or lame, having failed to go in qualifying time in a previous or subsequent start to that scratch.
- (9) Scratched sick or lame in a race previous or subsequent to a break line.
- (10) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing 1st, 2nd, or 3rd.

(b) (1) A horse showing a satisfactory line in one (1) of its last two (2) starts or its last start at a pari-mutuel track prior to racing at a county fair track, the county fair lines will not be considered towards its eligibility to return to the pari-mutuel track. Notwithstanding the above satisfactory line, at the pari-mutuel track, must be within its last six (6) programmed lines but within

thirty (30) days of the pari-mutuel start (race date to race date).

(2) A horse having not raced at a pari-mutuel track must show a satisfactory charted line in one (1) of its last two (2) county fair starts within the time standards set.

(c) The judges may place a horse on the judge's list when there exists a question as to the exact identification or ownership of a horse.

(d) A horse may not be released from the judge's list without permission of the judges. (*Indiana Horse Racing Commission; 71 IAC 3-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534*)

Rule 3. Racing Secretary

71 IAC 3-3-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The racing secretary is responsible for the following:

(1) Setting the conditions for each race of the race meeting.

(2) Regulating the nomination of entries.

(3) Determining the amounts of purses and to whom they are due.

(*Indiana Horse Racing Commission; 71 IAC 3-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-3-2 Eligibility certificates (Repealed)

Sec. 2. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2112*)

71 IAC 3-3-3 Race information

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. The racing secretary shall be familiar with the age, class, and competitive ability of all horses racing at the meeting.

(*Indiana Horse Racing Commission; 71 IAC 3-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-3-4 Classifications

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The racing secretary shall classify horses in accordance with these rules and list horses in the categories in which they qualify. (*Indiana Horse Racing Commission; 71 IAC 3-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-3-5 Listing of horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. The racing secretary shall:

(1) examine all entry blank forms and declarations to verify information as set forth therein;

(2) select the horses to start and the horses which are also eligible horses from the declarations in accordance with these rules;

and

(3) provide the listing of horses in the daily program.

(Indiana Horse Racing Commission; 71 IAC 3-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3-3-6 Nominations and declarations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. The racing secretary shall examine nominations and declarations and early closing events, late closing events, and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication. *(Indiana Horse Racing Commission; 71 IAC 3-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3-3-7 Conditions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published for owners, trainers, and the commission and to be posted in the racing secretary's office. *(Indiana Horse Racing Commission; 71 IAC 3-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3-3-8 Posting of entries

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his or her office and make the list available to the media. *(Indiana Horse Racing Commission; 71 IAC 3-3-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3-3-9 Stakes and entrance money records

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting. *(Indiana Horse Racing Commission; 71 IAC 3-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3-3-10 Winnings

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race, unless races establishing conditions for winnings as of a certain date may be permitted if approved by the commission or judges.

(b) Winnings during the year shall be calculated by the racing secretary from the preceding January 1. *(Indiana Horse Racing Commission; 71 IAC 3-3-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3-3-11 Cancellation of a race

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. If track conditions are questionable for the warming up or racing of horses, the judges shall convene a meeting with representatives of the drivers and trainers and a representative of association management. If required by the judges, the representatives of the drivers and trainers shall conduct a secret ballot of the drivers and trainers of horses participating in that program of racing to determine whether racing should be conducted. If the vote of the drivers and trainers determines that more than fifty percent (50%) vote against racing, the card shall be cancelled. If more than fifty percent (50%) and less than seventy-five percent (75%) vote to race, trainers will be allowed to withdraw horses without penalty. If more than seventy-five percent (75%) vote to race, the regular rules of withdrawal and scratching of horses will apply. This subsection does not prevent the association management from cancelling the races due to track or weather conditions or other unavoidable causes without consultation with the judges and the horsemen's representative. (*Indiana Horse Racing Commission; 71 IAC 3-3-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Paddock Judge

71 IAC 3-4-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The paddock judge shall be responsible for the following:

- (1) Ensuring that the horses are on the race track for post parades in accordance with the schedule issued by the judges.
- (2) Inspection of horses for changes of equipment, broken or faulty equipment, and head numbers.
- (3) Supervision of paddock gate operators.
- (4) Proper check-in and check-out of horses and drivers.
- (5) Direction of the activities of the paddock horseshoer.
- (6) Ensuring that only sulkies approved by the commission are allowed on the track during warm-ups and racing.

(*Indiana Horse Racing Commission; 71 IAC 3-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-4-2 Report to the judges

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. The paddock judge shall:

- (1) notify the judges of anything that could in any way change, delay, or otherwise affect the racing program;
- (2) report to the judges any observed cruelty to a horse; and
- (3) report any other violation of these rules.

(*Indiana Horse Racing Commission; 71 IAC 3-4-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 5. Horse Identifier

71 IAC 3-5-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31-8-3

Sec. 1. The horse identifier shall be present for each race. He or she shall inspect each horse prior to its departure from the paddock to the post to confirm the horse's proper identity by checking the horse's:

- (1) tattoo number;
- (2) freeze brand;
- (3) color; and

(4) markings.

(Indiana Horse Racing Commission; 71 IAC 3-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3-5-2 Report violations

Authority: IC 4-31-3-9

Affected: IC 4-31-8-3

Sec. 2. The horse identifier shall report to the judges any horse not properly identified in conformity with these rules. *(Indiana Horse Racing Commission; 71 IAC 3-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 6. Clerk of the Course

71 IAC 3-6-1 Clerk of the course

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The clerk of the course shall be responsible for recording and informing the USTA via computer and the Internet all required information, including:

- (1) names and addresses of owners;
- (2) the standard symbols for medications, where applicable;
- (3) notations of placings, disqualifications, and claimed horses;
- (4) notations of scratched or ruled out horses; and
- (5) maintaining the judge's list.

(Indiana Horse Racing Commission; 71 IAC 3-6-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 7. Official Starter

71 IAC 3-7-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The official starter is responsible to provide a fair start for each race. *(Indiana Horse Racing Commission; 71 IAC 3-7-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3-7-2 Report violations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The official starter shall report violations of these rules occurring at the start of a race to the judges. *(Indiana Horse Racing Commission; 71 IAC 3-7-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3-7-3 Recommend disciplinary action

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. The official starter shall recommend to the judges the assessment of fines and suspensions of licenses of drivers for

any violation of these rules from the formation of the parade until the word "go" is given. (*Indiana Horse Racing Commission; 71 IAC 3-7-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 8. Official Charter

71 IAC 3-8-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The official charter is responsible for providing a complete and accurate chart of each race. An accurate chart shall include the following:

- (1) Horse's name.
- (2) Driver's name.
- (3) Date and place of the race.
- (4) Track size, if other than a half-mile track.
- (5) Track condition and temperature.
- (6) Type of race (trot or pace).
- (7) Classification of race.
- (8) Distance.
- (9) Fractional times of the leading horse, including the race time.
- (10) Post position, position at the quarter mile, the half mile, and the three-quarter mile poles, and at the head of the stretch with lengths behind the leader, and finish position with lengths behind the winner.
- (11) Official order of finish.
- (12) Individual time of each horse.
- (13) Closing dollar odds (with the favorite designated by an asterisk).
- (14) The standard symbols for breaks, park outs, and free legged pacers, where applicable.
- (15) The standard symbols for medications, where applicable.
- (16) In claiming races, the price for which the horse is entered to be claimed, less allowances for age and sex.
- (17) Names of the horses placed first, second, and third by the judges.
- (18) Notations of placings, disqualifications, and claimed horses.

(*Indiana Horse Racing Commission; 71 IAC 3-8-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 9. Official Timer

71 IAC 3-9-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The official timer shall accurately record the time elapsed between the start and finish of each race. (*Indiana Horse Racing Commission; 71 IAC 3-9-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-9-2 Timing procedure

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The time of race shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line. (*Indiana Horse Racing Commission; 71 IAC 3-9-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-9-3 Timing races

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. (a) In every race, the time of each heat shall be accurately recorded by two (2) timers or an approved electrical timing device, in which case, there shall be one (1) timer.

(b) Times of heats shall be recorded in minutes, seconds, and fifths of a second.

(c) Immediately following each heat, the elapsed time of the heat shall be publicly announced or posted on the totalizator board.

(d) No unofficial timing shall be announced, posted, or entered into the official record. (*Indiana Horse Racing Commission; 71 IAC 3-9-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-9-4 Error in reported time

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. (a) In circumstances involving an error in timing, no time shall be announced, posted, or recorded for that heat.

(b) In any case of alleged error regarding a horse's official time, the time in question shall not be changed to favor the horse or its owner, except upon the sworn statement of the judges and official timers who officiated in the race. (*Indiana Horse Racing Commission; 71 IAC 3-9-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3-9-5 Win race record

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. A horse placed first by the judges following an inquiry immediately after a race shall receive a win race record if that horse's time can be determined by photo finish and electronic timer. The above will not be applied to horses placed first due to a post race protest, appeal, or positive test. (*Indiana Horse Racing Commission; 71 IAC 3-9-5; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3124, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 10. Patrol Judge

71 IAC 3-10-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The patrol judge is responsible for observing the race and reporting information concerning the race to the judges. (*Indiana Horse Racing Commission; 71 IAC 3-10-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534*)

Rule 11. Program Director

71 IAC 3-11-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The program director is responsible for furnishing the public complete and accurate past performance information. (*Indiana Horse Racing Commission; 71 IAC 3-11-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; readopted filed Oct*

30, 2001, 11:50 a.m.: 25 IR 899)

Rule 12. Official Veterinarian

71 IAC 3-12-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The official veterinarian (state or commission veterinarian) shall:

- (1) be employed by the commission;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) recommend to the judges:
 - (A) any horse deemed unsafe to be raced; or
 - (B) a horse that it would be inhumane to allow to race;
- (4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;
- (5) supervise the taking of all specimens for testing according to procedures approved by the commission;
- (6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;
- (7) have authority and jurisdiction over the racing veterinarian and the practicing licensed veterinarians within the enclosure for the purpose of these rules;
- (8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in accordance with the commission policy on endoscopic examinations;
- (10) review and make recommendations regarding commission license applications of practicing veterinarians;
- (11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer; and
- (12) delegate or assign duties to the racing veterinarian.

(Indiana Horse Racing Commission; 71 IAC 3-12-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2904; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 13. Racing Veterinarian

71 IAC 3-13-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian. The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

- (1) be directly responsible to the official veterinarian;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (4) inspect any horse when there is a question as to the physical condition of such horse;
- (5) recommend scratching a horse to the judges if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the judges and the official veterinarian;

- (7) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;
- (8) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of racing to so act;
- (9) with the approval of the official veterinarian, place horses on the bleeder list; and
- (10) any other duties assigned by the official veterinarian.

(Indiana Horse Racing Commission; 71 IAC 3-13-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1133; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 14. Any Other Person Designated by the Commission

71 IAC 3-14-1 Any other person designated by the commission

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The commission may create additional racing official positions as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in 71 IAC 3-1. *(Indiana Horse Racing Commission; 71 IAC 3-14-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1133; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

ARTICLE 3.5. FLAT RACING; OFFICIALS

Rule 1. General Provisions

71 IAC 3.5-1-1 Racing officials

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Officials at a race meeting include the following:

- (1) Stewards.
- (2) Racing secretary.
- (3) Paddock judge.
- (4) Horse identifier.
- (5) Horsemen's bookkeeper.
- (6) Starter.
- (7) Clerk of scales.
- (8) Jockey room custodian.
- (9) Photo finish technician.
- (10) Patrol judges.
- (11) Timer/clocker.
- (12) Placing judge, if duty not performed by stewards.
- (13) Official (state/commission) veterinarian.
- (14) Racing veterinarian.
- (15) Any other official designated by the commission.

(Indiana Horse Racing Commission; 71 IAC 3.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3.5-1-2 Eligibility

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. To qualify as a racing official or a designated association employee as listed in this article, the appointee must be licensed by the commission after a determination that he or she:

- (1) is of good moral character and reputation;
- (2) is experienced in or knowledgeable in racing;
- (3) is familiar with the duties to which he or she is appointed and with the commission's rules of racing;
- (4) possesses the mental and physical capacity to perform his or her duties;
- (5) is not under suspension or ejection by the USTA, the CTA, or any racing jurisdiction; and
- (6) meets the licensing criteria pursuant to 71 IAC 5.5-1-14.

(Indiana Horse Racing Commission; 71 IAC 3.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2152; errata filed Jul 22, 1997, 10:46 a.m.: 20 IR 3376; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3.5-1-3 Approval of racing officials and designated association employees

Authority: IC 4-31-3-9

Affected: IC 4-31-5-5; IC 4-31-6

Sec. 3. (a) Each association shall submit to the commission for its approval or disapproval the names of all persons who the association has selected as racing officials. In addition to racing officials, this section shall apply to the association's mutuel manager, director of security, and facility managers at satellite facilities. This section shall also apply to the assistant mutuel manager, the assistant director of security, and assistant facility managers at satellite facilities.

(b) The association shall submit to the commission in writing a list of all racing officials and applicable employees at least sixty (60) days prior to the opening of a race meeting. The list shall:

- (1) indicate whether the nominee has been previously licensed by the commission and, if so, in what capacity; and
- (2) be accompanied by the filing of the following information on all individuals not previously licensed by the commission:
 - (A) A resume detailing experience and qualifications.
 - (B) A completed application on forms furnished by the commission and accompanied by the required fee pursuant to 71 IAC 5.5-1-1.
 - (C) A completed fingerprint card.

(c) Notwithstanding the time period required by subsection (b), the association shall submit to the commission at the earliest possible time the information required by this section on those racing officials and applicable employees whose duties commence substantially before the start of the race meeting. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3.5-1-4 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31-13-7

Sec. 4. (a) Racing officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

- (1) Participate in the sale, purchase, or ownership of any horse racing at the meeting.
 - (2) Sell or solicit horse insurance on any horse racing at the meeting.
 - (3) Be licensed in any other capacity without permission of the commission.
 - (4) Directly or indirectly wager on the outcome of any live or simulcast race.
 - (5) Refuse to take a breath analyzer test or submit a blood or urine sample when directed by the commission or its designee.
- (b) The prohibited practices in this section also apply to all employees in the racing secretary's office.

(c) Subsection (a) shall also apply to the spouse of the racing official and the racing official's assistants and subdivision (1) of subsection (a) [subsection (a)(1)] shall also apply to the dependent children of the racing official and the racing official's assistants. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3.5-1-5 Report of violations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. All licensees, including racing officials and their assistants, shall report immediately to the stewards every observed violation of these rules and of the laws of this jurisdiction governing racing. (*Indiana Horse Racing Commission; 71 IAC 3.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-1-6 Complaints against officials

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards. Complaints against any steward shall be made in writing to the commission and signed by the complainant. (*Indiana Horse Racing Commission; 71 IAC 3.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-1-7 Appointment

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. A person shall not be appointed to more than one (1) racing official position at a meeting unless specifically approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 3.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-1-8 Appointment of substitute officials

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. Where a vacancy exists among the association's racing officials, the association shall fill the vacancy immediately. Such appointment shall be effective until the vacancy is filled in accordance with this article. In addition, the executive director or the stewards have the authority to approve temporary, emergency appointments. (*Indiana Horse Racing Commission; 71 IAC 3.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-1-9 Appointment of substitute steward

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. Should any steward be absent at race time, the remaining stewards shall appoint a deputy for the absent steward. If a deputy steward is appointed, the commission shall be notified immediately by the stewards. (*Indiana Horse Racing Commission; 71 IAC 3.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Stewards

71 IAC 3.5-2-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in

accordance with the laws of this jurisdiction and these rules.

- (b) The stewards shall enforce these rules and the racing laws of this jurisdiction.
- (c) The authority of the stewards includes supervision of all:
 - (1) racing officials;
 - (2) track management;
 - (3) licensed personnel;
 - (4) other persons responsible for the conduct of racing; and
 - (5) patrons;

as necessary to ensure compliance with these rules.

(d) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(e) The stewards have the authority to interpret these rules and to decide all questions of racing not specifically covered by these rules. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-2-2 Period of authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The period of authority of the stewards shall commence not more than thirty (30) days prior to the beginning of each race meeting and shall terminate with completion of their official business pertaining to the meeting. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-2-3 Disciplinary action

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The stewards shall have authority to do the following:

- (1) Charge any licensee for a violation of these rules.
- (2) Conduct hearings.
- (3) Impose disciplinary action in accordance with these rules.

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The stewards may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The stewards have the power to administer oaths and examine witnesses.

(f) The stewards shall submit a written report to the commission of every inquiry and hearing.

(g) The stewards may impose, but are not limited to, any of the following penalties on a licensee for a violation of the Act or these rules:

- (1) Issue a reprimand.
- (2) Assess a fine.
- (3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.
- (4) Place a licensee on probation.
- (5) Suspend a license or racing privileges.
- (6) Exclude from grounds under the jurisdiction of the commission.
- (7) Any relief deemed appropriate.

(h) The stewards may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.

(i) The stewards may:

- (1) suspend a license for not more than sixty (60) days per violation;

(2) impose a fine not to exceed one thousand dollars (\$1,000) for each violation;

(3) suspend and fine; or

(4) order that a person be ineligible for licensing.

(j) A ruling of the stewards shall not prevent the commission from imposing a more severe penalty.

(k) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter.

(l) Purses, prizes, awards, and trophies shall be redistributed if the stewards or commission order a change in the official order of finish.

(m) All fines imposed by the stewards shall be paid to the commission in accordance with 71 IAC 7.5-9. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3402; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-2-4 Protests, objections, and complaints

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The stewards shall investigate promptly and render a decision in every protest, objection, and complaint made to them. They shall maintain a record of all protests, objections, and complaints. The stewards shall file daily with the commission a copy of each protest, objection, or complaint and any related ruling. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-2-5 Presence of stewards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. Three (3) stewards shall be present in the steward's stand during the contesting of each race. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-2-6 Order of finish for pari-mutuel wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) The stewards shall determine the official order of finish for each race in accordance with 71 IAC 7.5.

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the contesting of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-2-7 Cancel wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. The stewards have the authority to:

(1) cancel wagering and order refunds where applicable on an individual betting interest or on an entire race; and

(2) cancel a pari-mutuel pool for a race or races;

if such action is necessary to protect the integrity of pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-2-8 Records and reports

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. (a) The stewards shall prepare a daily report, on a form approved by the commission, detailing their actions and observations made during each day's race program. The report shall contain the following:

- (1) The name of the race track.
- (2) The date.
- (3) The weather and track conditions.
- (4) Claims, inquiries, and objections.
- (5) Any unusual circumstances or conditions.

The report shall be signed by each steward and be filed with the commission not later than twenty-four (24) hours after the end of each race day.

(b) The presiding steward shall maintain a detailed log of the official activities of the stewards. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the stewards and all interviews, investigations, and rulings made by the stewards. The log shall be available at all times for inspection by the commission or its designee.

(c) Not later than seven (7) days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

- (1) The observations and comments of the stewards regarding the conduct of the race meeting, and the overall conditions of the association grounds during the race meeting.
- (2) Any recommendations for improvement by the association or action by the commission.

(Indiana Horse Racing Commission; 71 IAC 3.5-2-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3.5-2-9 Steward's list

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. (a) The stewards shall maintain a steward's list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health or safety of other participants in racing.

(b) The stewards may place a horse on the steward's list when there exists a question as to the exact identification or ownership of said horse.

(c) A horse may not be released from the steward's list without permission of the stewards. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 3. Racing Secretary

71 IAC 3.5-3-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The racing secretary is responsible for the following:

- (1) Setting the conditions for each race of the race meeting.
- (2) Regulating the nomination of entries.
- (3) Determining the amounts of purses and to whom they are due.

(Indiana Horse Racing Commission; 71 IAC 3.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3.5-3-2 Registration certificates

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. The racing secretary is responsible for receiving and safeguarding the registration certificates of all horses competing at the track or stabled on association grounds. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3.5-3-3 Race information

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. The racing secretary shall be familiar with the age, class, and competitive ability of all horses racing at the meeting. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3.5-3-4 Listing of horses

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. The racing secretary shall:

- (1) examine all entry blank forms and declarations to verify information as set forth therein;
- (2) select the horses to start and the horses which are also eligible horses from the declarations in accordance with these rules; and
- (3) provide the listing of horses in the daily program.

(Indiana Horse Racing Commission; 71 IAC 3.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3.5-3-5 Nominations and declarations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. The racing secretary shall examine nominations and declarations and early closing events, late closing events, and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3.5-3-6 Conditions

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published for owners, trainers, and the commission and to be posted in the racing secretary's office. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3.5-3-7 Posting of entries

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his

or her office and make the list available to the media. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-3-8 Stakes and entrance money records

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-3-9 Winnings

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. (a) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race, unless races establishing conditions for winnings as of a certain date may be permitted if approved by the commission or stewards.

(b) Winnings during the year shall be calculated by the racing secretary from the preceding January 1. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-3-10 Cancellation of a race

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 10. The commission shall post in the jockey's quarters a policy regarding the process of cancellation of races due to hazardous track conditions. All licensees shall be required to adhere to the posted policy. The policy shall not prevent the association management from cancelling the races due to track or weather conditions or other unavoidable causes without consultation with the stewards and the horsemen's representative. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Paddock Judge

71 IAC 3.5-4-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The paddock judge shall:

- (1) supervise the assembly of horses in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;
- (2) maintain a written record of all equipment, inspect all equipment of each horse saddled, and report any change thereof to the stewards;
- (3) prohibit any change of equipment without the approval of the stewards;
- (4) ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are mounted at the same time, and leave the paddock for post in the proper sequence;
- (5) supervise paddock schooling of all horses approved by the stewards;
- (6) report to the stewards any observed cruelty to a horse;
- (7) ensure that only properly authorized persons are permitted in the paddock; and
- (8) report to the stewards any unusual or illegal activities.

(Indiana Horse Racing Commission; 71 IAC 3.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3.5-4-2 Paddock judge's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.

(b) At the end of each race day, the paddock judge shall provide a copy of the list to the stewards.

(c) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock. *(Indiana Horse Racing Commission; 71 IAC 3.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 3.5-4-3 Report to the stewards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. The paddock judge shall:

(1) notify the stewards of anything that could in any way change, delay, or otherwise affect the racing program;

(2) report to the stewards any observed cruelty to a horse; and

(3) report any other violation of these rules.

(Indiana Horse Racing Commission; 71 IAC 3.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 5. Horse Identifier

71 IAC 3.5-5-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31-8-3

Sec. 1. The horse identifier shall:

(1) when required, ensure the safekeeping of registration certificates for horses stabled or racing on association grounds;

(2) inspect documents of ownership, eligibility, registration, or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) examine every starter in the paddock for sex, color, markings, and lip tattoo, or other identification method approved by the appropriate breed registry and the commission for comparison with its registration certificate to verify the horse's identity; and

(4) supervise the tattooing, branding, or other method of identification approved by the appropriate breed registry and the commission for identification of any horse located on association grounds.

(Indiana Horse Racing Commission; 71 IAC 3.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3402; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 3.5-5-2 Report violations

Authority: IC 4-31-3-9

Affected: IC 4-31-8-3

Sec. 2. The horse identifier shall report to the stewards any horse not properly identified in conformity with these rules. *(Indiana Horse Racing Commission; 71 IAC 3.5-5-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 6. Horsemen's Bookkeeper

71 IAC 3.5-6-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described in this rule and maintain such other records and accounts and perform such other duties as the association and the commission may prescribe. (*Indiana Horse Racing Commission; 71 IAC 3.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-6-2 Records

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The records shall include the name, mailing address, Social Security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or jockey participating in the race meeting who has funds due or on deposit in the horsemen's account.

(b) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association.

(d) All records of the horsemen's bookkeeper, including records of accounts and monies and funds kept on deposit, are subject to the inspection by the commission at any time.

(e) The association licensee is subject to disciplinary action by the commission for any violation of or noncompliance with the provisions of this rule. (*Indiana Horse Racing Commission; 71 IAC 3.5-6-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-6-3 Monies and funds on account

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) All monies and funds on account with the horsemen's bookkeeper shall be maintained in an account insured by the Federal Deposit Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations.

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was won. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 3.5-6-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-6-4 Payment of purses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) The horsemen's bookkeeper shall receive, maintain, and disburse the purses of each race and all stakes, entrance money, jockey fees, and purchase money in claiming races, along with all applicable taxes and other monies that properly come into the horsemen's bookkeeper's possession in accordance with the provisions of these rules and the commission's policies and procedures.

(b) The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money.

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees, and purchase money in claiming races, along with all applicable taxes, upon request, within a period of time determined by the association.

(e) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive them within fifteen (15) days after the last race day of the race meeting, including purses for official races, provided that no protest or appeal has been filed with the stewards or the commission.

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within forty-eight (48) hours of receipt of dismissal or a final nonappealable order disposing of the protest or appeal. (*Indiana Horse Racing Commission; 71 IAC 3.5-6-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 7. Starter

71 IAC 3.5-7-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The starter shall:

(1) have complete jurisdiction over the starting gate, the starting of horses, and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;

(2) appoint and supervise assistant starters who have demonstrated they are adequately trained to handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

(3) employ an adequate number of assistant starters;

(4) assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions more than ten (10) minutes before post time for the race;

(5) assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make such assessments known to the stewards; and

(6) load horses into the gate in any order deemed necessary to ensure a safe and fair start.

(*Indiana Horse Racing Commission; 71 IAC 3.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-7-2 Assistant starters

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. With respect to an official race, the assistant starters shall not:

(1) handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(2) impede the start of a race;

(3) apply a whip or other device, with the exception of steward-approved twitches, to assist in loading a horse into the starting gate;

(4) slap, book, or otherwise dispatch a horse from the starting gate;

(5) strike or use abusive language to a jockey; or

(6) accept or solicit any gratuity or payment other than the assistant starter's regular salary, directly or indirectly, for services in starting a race.

(*Indiana Horse Racing Commission; 71 IAC 3.5-7-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-7-3 Starter's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's

list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. These horses shall be refused entry until they have demonstrated to the starter that they have been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter. (*Indiana Horse Racing Commission; 71 IAC 3.5-7-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-7-4 Report violations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. The starter and assistant starter shall report violations of these rules occurring at the start of a race to the stewards. (*Indiana Horse Racing Commission; 71 IAC 3.5-7-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 8. Clerk of Scales

71 IAC 3.5-8-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The clerk of scales shall:

- (1) verify the presence of all jockeys in the jockeys' room at the appointed time;
- (2) verify that all jockeys have a current jockey's license issued by the commission;
- (3) verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;
- (4) oversee the security of the jockeys' room, including the conduct of jockeys and their attendants;
- (5) promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment, or conduct;
- (6) record all required data on the scale sheet and submit the data to the horsemen's bookkeeper at the end of each race;
- (7) maintain the record of applicable winning races on all apprentice certificates at the meeting;
- (8) release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and
- (9) assume the duties of the jockey room custodian in the absence of such employee.

(*Indiana Horse Racing Commission; 71 IAC 3.5-8-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 9. Jockey Room Custodian

71 IAC 3.5-9-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The jockey room custodian shall:

- (1) supervise the conduct of jockeys and their attendants while they are in the jockey room;
- (2) keep the jockey room clean and safe for all jockeys;
- (3) ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;
- (4) keep a daily film list as dictated by the stewards and have it displayed in plain view for all jockeys;
- (5) keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;
- (6) keep unauthorized persons out of the jockey room; and
- (7) report to the stewards any unusual occurrences in the jockey room.

(*Indiana Horse Racing Commission; 71 IAC 3.5-9-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 10. Timer/Clocker

71 IAC 3.5-10-1 General authority (timer)

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The timer shall accurately record the time elapsed between the start and finish of each race.

(b) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

(c) At the end of a race, the timer shall post the official running time on the infield totalizator board on instructions by the stewards.

(d) At a racetrack equipped with an appropriate infield totalizator board, the timer shall post the quarter times (splits) for thoroughbred races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths (1/100) of a second.

(e) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three (3) stopwatches are used by the stewards or their designees.

(f) The timer shall maintain a written record of fractional and finish times of each race and have the times available for inspection by the stewards or the commission on request. (*Indiana Horse Racing Commission; 71 IAC 3.5-10-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-10-2 General authority (clocker)

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The clocker shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(b) Each day the clocker shall prepare a list of workouts that describes the name of each horse which worked along with the distance and time of each horse's workout.

(c) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary. (*Indiana Horse Racing Commission; 71 IAC 3.5-10-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 11. Patrol Judge

71 IAC 3.5-11-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The patrol judge, when utilized, is responsible for observing the race and reporting information concerning the race to the stewards. If the racetrack's video replay system is deemed adequate, use of patrol judges is optional. (*Indiana Horse Racing Commission; 71 IAC 3.5-11-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 12. Placing Judge

71 IAC 3.5-12-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The placing judges shall determine the order of finish in a race as the horses pass the finish line and display the

results on the totalizator board.

(b) At the request of the association, the commission may assign the duties of the placing judges to the stewards. (*Indiana Horse Racing Commission; 71 IAC 3.5-12-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-12-2 Photo finish

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) In the event the placing judges or the stewards request a photo of the finish, the photo finish sign shall be posted on the totalizator board.

(b) Following the review of the photo finish film strip, the placing judges shall, with the approval of the stewards, determine the exact order of finish for all horses participating in the race, and shall immediately post the numbers of the first four (4) finishers on the totalizator board.

(c) In the event a photo is requested, the placing judges shall cause a photographic print of the finish to be produced. The finish photograph shall, when needed, be used by the placing judge as an aid in determining the correct order of finish.

(d) Upon determination of the correct order of finish in which the placing judges have utilized a photographic print to determine the first four (4) finishers. The photographic print shall be displayed on the association closed circuit television system. The steward may also require the prints of the photograph to be displayed publicly on the bulletin boards in the grandstand and clubhouse areas of the racetrack. (*Indiana Horse Racing Commission; 71 IAC 3.5-12-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 3.5-12-3 Dead heats

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) In the event the placing judges determine that two (2) or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat shall be declared.

(b) In the event one (1) or more of the first four (4) finishers of a race are involved in a dead heat, the placing judges shall post the dead heat sign on the totalizator board and cause the numbers of the horse or horses involved to blink on the totalizator board. (*Indiana Horse Racing Commission; 71 IAC 3.5-12-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 13. Official Veterinarian

71 IAC 3.5-13-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The official veterinarian (state or commission veterinarian) shall:

- (1) be employed by the commission;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) recommend to the stewards:
 - (A) any horse deemed unsafe to be raced; or
 - (B) a horse that it would be inhumane to allow to race;
- (4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;
- (5) supervise the taking of all specimens for testing according to procedures approved by the commission;
- (6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;
- (7) have authority and jurisdiction over the racing veterinarian and the practicing licensed veterinarians within the enclosure for the purpose of these rules;

- (8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in accordance with the commission policy on endoscopic examinations;
- (10) review and make recommendations regarding commission license applications of practicing veterinarians;
- (11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer;
- (12) be available to the stewards prior to scratch time each racing day at a time designated by the stewards to inspect any horse and report on their condition as may be requested by the stewards; and
- (13) delegate or assign duties to the racing veterinarian.

(Indiana Horse Racing Commission; 71 IAC 3.5-13-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 14. Racing Veterinarian

71 IAC 3.5-14-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian. The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

- (1) be directly responsible to the official veterinarian;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (4) inspect any horse when there is a question as to the physical condition of such horse;
- (5) recommend scratching a horse to the stewards if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the stewards and the official veterinarian;
- (7) be available to the racing secretary or the stewards prior to scratch time each racing day, at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the stewards;
- (8) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;
- (9) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of racing to so act;
- (10) with the approval of the official veterinarian, place horses on the bleeder list; and
- (11) any other duties assigned by the official veterinarian.

(Indiana Horse Racing Commission; 71 IAC 3.5-14-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 15. Any Other Person Designated by the Commission

71 IAC 3.5-15-1 Any other person designated by the commission

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The commission may create additional racing official positions as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in 71 IAC 3.5-1. *(Indiana Horse*

Racing Commission; 71 IAC 3.5-15-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

ARTICLE 4. ASSOCIATIONS

Rule 1. Associations

71 IAC 4-1-1 Associations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) An association, its officers, directors, officials, and employees shall abide by and enforce the Act, these rules, and the orders of the commission and judges.

(b) An association may request an exemption from a requirement in this article to utilize new technology or innovative construction or design of the race track facilities. The commission may grant an exemption if the commission determines that:

(1) the association's proposal substantially satisfies the purpose of the requirement; and

(2) the exemption is in the best interests of the race horses, the racing industry, and the citizens of Indiana.

(Indiana Horse Racing Commission; 71 IAC 4-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1133; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 2. Financial Requirements

71 IAC 4-2-1 Insurer of the race meeting

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Approval of a race meeting by the commission does not establish the commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.

(b) An association shall agree to indemnify, save, and hold harmless the commission from any liability, if any, arising from unsafe conditions of association grounds and default in payment of purses.

(c) An association shall provide the commission with a certificate of liability insurance as required by the commission.

(d) An association shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Act and these rules.

(e) An association and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Act and these rules and not otherwise.

(f) An association and its officers shall ensure that all purse monies, disbursements, and appropriate nomination race monies are available to make timely distribution in accordance with the Act, these rules, association rules, and race conditions. *(Indiana Horse Racing Commission; 71 IAC 4-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1134; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 4-2-2 Bond requirements

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) An association shall file with the commission a bond payable to the commission in an amount determined by the commission for pari-mutuel racing and in either case not more than the financial liability of the association license throughout the race meeting for which the association license is requested.

(b) The bond shall be:

(1) executed by the applicant and a surety company or companies authorized to do business in this jurisdiction; and

(2) conditioned upon the payment by the association of all taxes and all other monies due and payable:

- (A) pursuant to statutory provisions;
- (B) from horsemen's accounts; and
- (C) from the presentation of winning tickets.

The association will distribute all sums due to the patrons of pari-mutuel pools.

(c) The financial liabilities incurred by the association in the form of real estate mortgages shall not be included in the determination of the bond amount. (*Indiana Horse Racing Commission; 71 IAC 4-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1134; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-2-3 Financial reports

Authority: IC 4-31-3-9

Affected: IC 4-31-13-6

Sec. 3. (a) The commission may require periodic audits to determine that the association has funds available to meet those distributions for the purposes required by the Act, these rules, the conditions and nomination race program of the race meeting, and the obligations incurred in the daily operation of the race meeting.

(b) An association shall file the following:

- (1) A copy of all tax returns.
- (2) A balance sheet.
- (3) A profit and loss statement.

(c) An association shall file with the commission an unaudited balance sheet and profit and loss statement as required by the commission. Those submissions must be in a format which conforms with the requirements set out in the permit.

(d) An association shall file an annual consolidated financial statement, audited by independent certified public accountants, for the track and the simulcast operations, with the commission no later than March 31 after the close of its fiscal year, which reflects operations during the preceding calendar year. The audit must be in a format which conforms with the requirements set out in the permit application. The commission, upon good cause shown, may extend the time for filing.

(e) An association shall file with the commission a copy of any tax audit report received from the Internal Revenue Service, Indiana department of revenue, or any other federal or state agency auditing the association. (*Indiana Horse Racing Commission; 71 IAC 4-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1134; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2071; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-2-4 Reimbursement of judges' expenses

Authority: IC 4-31-3-9; IC 4-31-3-11.5

Affected: IC 4-31

Sec. 4. (a) An association shall reimburse the commission for the salaries and reasonable expenses of all judges who serve at the association's track. The reimbursement shall include, but not be limited to, the following:

- (1) All salaries, per diem, and fringe benefits.
- (2) Travel expenses, including lodging for any premeet or postmeet duties as approved by the executive director.
- (3) All expenses relating to the recruitment and interviewing of prospective judges.
- (4) Other expenses related to subdivisions (1) through (3) as determined by the executive director.

(b) In the event of a meeting of less than sixty (60) days in duration, the association shall provide and pay directly for the reasonable lodging of any judge whose residence is greater than fifty (50) miles from the association's track. The association shall also pay for the lodging and travel expenses of any substitute judge. The location of lodging shall be subject to the approval of the executive director.

(c) The payment or reimbursement of reasonable travel expenses of judges shall be subject to the travel policies and procedures of the state of Indiana established by the department of administration and approved by the budget agency. (*Indiana Horse Racing Commission; 71 IAC 4-2-4; emergency rule filed May 16, 1994, 4:30 p.m.: 17 IR 2370; errata, 17 IR 2657; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2072; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-2-5 Reimbursement of test barn assistants' expenses

Authority: IC 4-31-3-9; IC 4-31-12-6
Affected: IC 4-31

Sec. 5. An association shall reimburse the commission for the salaries, wages, per diem, fringe benefits, and expenses of all test barn assistants who serve at the association's track. (*Indiana Horse Racing Commission; 71 IAC 4-2-5; emergency rule filed May 16, 1994, 4:30 p.m.: 17 IR 2370; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-2-6 Accounting, auditing, and internal control requirements

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. An association, its officers, directors, officials, and employees shall fully account for all receipts, disbursements, and balances of whatever kind and shall do the following:

- (1) Issue a proper receipt to the payer for all monies received detailing:
 - (A) the identity of the payer;
 - (B) whether paid by cash or check;
 - (C) the purpose of payment; and
 - (D) the date and time received.

The receipts shall be serially numbered in at least duplicates and on a form approved by the commission. This subsection does not apply to the sale of a *[sic.]* pari-mutuel tickets and admission, parking, programs, racing forms, and tip sheets.

- (2) Maintain a monthly reconciliation between association records and depository statements.
- (3) Direct their depository to provide account balance confirmations to the commission upon request.
- (4) File all required federal and state tax returns required on distributions, make required withholdings, and maintain a copy of the return on file for audit.
- (5) File all required Internal Revenue Service reports of cash payments and maintain a copy of the report on file for audit.
- (6) Make all distributions by check to the individual recipients. No distributions shall be made in cash unless the policy for such distribution has been approved by the executive director. This subsection does not apply to the payment of a *[sic.]* pari-mutuel tickets.

(*Indiana Horse Racing Commission; 71 IAC 4-2-6; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2904; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2072; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Facilities and Equipment

71 IAC 4-3-1 Facilities for patrons and licensees

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

- (b) An association shall provide and maintain adequate restroom facilities for the patrons and licensees.
- (c) An association shall provide an adequate supply of free drinking water.
- (d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.
- (e) During a race performance, the association shall provide the following:

- (1) A first aid room equipped with appropriate equipment.
- (2) The services of at least one (1) physician or certified emergency medical technician (EMT).

(f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for qualifying and racing. If the ambulance is being used to transport an individual, the association may not conduct a race until the ambulance is replaced.

(g) The ambulance must be parked at a location approved by the commission.

(h) An association shall provide adequate office space for the use of the judges and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be approved by the commission.

(i) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

(j) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees. (*Indiana Horse Racing Commission; 71 IAC 4-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-2 Bulletin boards required

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The association shall erect and maintain glass enclosed bulletin boards close to the racing secretary's office and in the paddock, upon which all official notices of the commission shall be posted. The association shall also erect and maintain a glass enclosed bulletin board in the grandstand area where access is granted to all race day patrons, upon which all official notices of the commission may be posted. (*Indiana Horse Racing Commission; 71 IAC 4-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-3 Officials' stands

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An association shall provide adequate stands for officials to have a clear view of the race track. The location and design of the stands must be approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 4-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-4 Audio and visual equipment

Authority: IC 4-31-3-9

Affected: IC 4-31-7; IC 4-31-8-2

Sec. 4. (a) An association shall provide and maintain in good working order a communication system between the:

- (1) judges stand;
- (2) racing office;
- (3) tote room;
- (4) paddock;
- (5) test barn;
- (6) starting gate;
- (7) video camera locations;
- (8) veterinarian;
- (9) track announcer;
- (10) location of the ambulances (equine and human); and
- (11) other locations and persons designated by the commission.

(b) An association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

(c) An association shall provide an electronic photo finish device to photograph the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the commission before its first use in a race. The photographic print shall be displayed on the association closed circuit television

system. The judge may also require the prints of the photograph to be displayed publicly on the bulletin boards in the grandstand and clubhouse areas of the racetrack. The association shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the commission. On request by the commission, the association shall provide, without cost, a print from the negative of a photo finish to the commission. Photo finish negatives of each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the judges or the commission.

(d) An association shall provide a videotaping system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the judges stand. The location and construction of video towers must be approved by the commission.

(e) The judges may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during, or following a race.

(f) Races must be recorded by at least three (3) video cameras.

(g) An association shall, upon request, provide to the commission, without cost, a copy of a videotape of a race.

(h) Videotapes recorded prior to, during, and following each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the judges or the commission.

(i) An association shall provide a viewing area in which, on approval by the judges, an owner, trainer, driver, or other interested individual may view a videotape recording of a race.

(j) Following any race in which there is an inquiry or objection, the association shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the judges in making their decision. (*Indiana Horse Racing Commission; 71 IAC 4-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2839, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-5 Race track

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The surface of a race track must be designed, constructed, and maintained to provide for the safety of the drivers and horses.

(b) Prior to the first race meeting at an association race track, a licensed surveyor shall provide to the commission a certified report of the grade and measurement of the distances to be run.

(c) Distances to be run shall be measured from the starting line at a distance three (3) feet out from the inside rail or other markings as approved by the commission.

(d) The surveyor's report must be approved by the commission prior to the first race day of the meeting.

(e) An association shall provide an adequate drainage system for the race track.

(f) An association shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The association shall provide back-up equipment for maintaining the track surface. (*Indiana Horse Racing Commission; 71 IAC 4-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1136; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-6 Rails

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. The design and construction of rails, where used, must be approved by the commission prior to the first race meeting at the track. Where rails are not used, the placement and design of the markings of the inside of the track are subject to the approval of the commission. (*Indiana Horse Racing Commission; 71 IAC 4-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1136; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-7 Starting gates

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. During racing hours, an association shall provide at least two (2) operable starting gates which have been approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 4-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1136; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-8 Distance markers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) An association shall provide starting point markers and distance poles in a size and position that is clearly seen from the judge's stand.

(b) The starting point markers and distance poles must be marked as follows:

¾ pole Red and white horizontal stripes

½ pole Red and white horizontal stripes

¼ pole Red and white horizontal stripes

⅛ pole Green and white horizontal stripes

1/16 pole Black and white horizontal stripes

(*Indiana Horse Racing Commission; 71 IAC 4-3-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1136; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-9 Lighting

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) An association shall provide lighting for the race track and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees, and horses. Lighting to ensure the proper operation of the videotape and photo finish equipment must be approved by the commission.

(b) An association shall provide adequate additional lighting in the stable area as required by the commission.

(c) If an association conducts racing at night, the association shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

(d) If the track goes dark during the running of a race, the race may be ruled no contest if in the judges opinion the contest or finish was compromised. (*Indiana Horse Racing Commission; 71 IAC 4-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1137; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-10 Equine ambulance

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) An association shall provide an equine ambulance staffed by trained personnel on association grounds on each day that the race track is open for pari-mutuel and qualifying racing or training.

(b) The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use.

(c) The ambulance must be a covered vehicle that is low to the ground and large enough to accommodate a horse in distress. The ambulance must be able to:

(1) navigate on the race track during all weather conditions; and

(2) transport a horse off the association grounds.

(d) The ambulance must be equipped with:

(1) large, portable screens to shield a horse from public view;

(2) ramps to facilitate loading a horse;

(3) adequate means of loading a horse that is down;

(4) a rear door and a door on each side;

(5) a padded interior;

- (6) a movable partition to initially provide more room to load a horse and to later restrict a horse's movement;
- (7) a shielded area for the person who is attending to the horse; and
- (8) an adequate area for the storage of water and veterinary drugs and equipment.

(e) An association may not conduct a race unless an equine ambulance or an official veterinarian-approved substitute is readily available.

(f) The equine ambulance, its supplies and attendants, and the operating procedures for the equine ambulance, must be approved by the official veterinarian. (*Indiana Horse Racing Commission; 71 IAC 4-3-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1137; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-11 Barns

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. (a) An association shall provide barns containing a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds. The association's stable area configuration and facilities must be approved by the commission.

(b) An association shall ensure that the barns are kept clean and in good repair. Each barn, including the receiving barn, must:

- (1) have a hot and cold water supply available;
- (2) be well-ventilated;
- (3) have proper drainage; and
- (4) be constructed to be reasonably comfortable in all seasons.

(c) An association shall ensure that each horse is stabled in an individual box stall with minimum dimensions of ten (10) feet by ten (10) feet.

(d) An association shall provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area promptly. The association shall ensure that refuse from the stalls and other refuse are kept separate. (*Indiana Horse Racing Commission; 71 IAC 4-3-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1137; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2839, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2072; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-12 Test barn

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) An association shall provide a test barn for taking specimens of urine, blood, or other bodily substances or tissues for testing.

(b) The test barn must be equipped with:

- (1) a walk area that is large enough to accommodate four (4) horses;
- (2) at least four (4) enclosed stalls that permit observation of the collection process and provide for the protection of collection personnel;
- (3) facilities and equipment for the collection, identification, and storage of samples;
- (4) a washrack or washstall that is large enough to accommodate two (2) horses at the same time;
- (5) hot and cold running water;
- (6) clean water buckets for each horse; and
- (7) any other items requested by the commission or the executive director.

(c) An association shall limit access to the test barn to persons authorized by the official veterinarian. All entrances shall be locked or guarded at all times. (*Indiana Horse Racing Commission; 71 IAC 4-3-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1137; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2073; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-13 Isolation area

Authority: IC 4-31-3-9

Affected: IC 4-31

INDIANA HORSE RACING COMMISSION

Sec. 13. (a) An association shall provide an isolation area for the care and treatment of a horse that is ordered isolated by the racing veterinarian or the official veterinarian.

(b) The isolation area must be approved by the official veterinarian. (*Indiana Horse Racing Commission; 71 IAC 4-3-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1138; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-3-14 Extended homestretch (Repealed)

Sec. 14. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3133, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]*)

71 IAC 4-3-15 Pylons

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. (a) If, at a race track which has pylon demarcations, a horse or the horse's sulky leaves the course by brushing, running over, and/or going inside of the pylons, that horse may be penalized by a disqualification if, in the opinion of the judges, the action:

- (1) gave the horse an unfair advantage over other horses in the race;
 - (2) helped the horse improve its position in the race; and
 - (3) drivers going inside the pylons and not immediately correcting their position.
- (b) Horses using the inside to pass must have complete clearance of the pylons.
- (c) Drivers striking pylons but not gaining an unfair advantage may be fined.

(d) When an act of interference causes a horse or part of the horse's sulky to be in violation of these rules and the horse is disqualified, the offending horse shall be placed behind the horse with which it interfered. (*Indiana Horse Racing Commission; 71 IAC 4-3-15; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Operations

71 IAC 4-4-1 Security

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) An association conducting a race meeting shall maintain security controls over its premises. Security controls are subject to the approval of the commission.

(b) An association may establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its race meeting are licensed as required by these rules.

(c) An association shall prevent access to and shall remove or cause to be removed from its restricted areas any person:

- (1) who is unlicensed;
- (2) who has not been issued a visitor's pass or other identifying credential; or
- (3) whose presence in such restricted area is unauthorized.

(d) Unless otherwise authorized by the commission, an association shall provide continuous security in the stable area during all times that horses are stabled on the grounds. An association shall require any person entering the stable area to display valid credentials issued by the commission or a *sic.* visitor's pass issued by the association. An association shall provide security fencing around the stable area in a manner that is approved by the commission.

(e) On request by the commission, an association shall provide a list of the security personnel, including the following:

- (1) Name.
- (2) Qualifications.
- (3) Training.

- (4) Duties.
- (5) Duty station.
- (6) Area supervised.

(f) Each day, the chief of security for an association shall deliver a written report to the judges and the commission's director of security regarding occurrences on association grounds on the previous day. Not later than twenty-four (24) hours after an incident occurs requiring the attention of security personnel, the chief of security shall deliver to the judges a written report describing the incident. The report must include the following:

- (1) The name of each individual involved in the incident.
- (2) The circumstances of the incident.
- (3) Any recommended charges against each individual involved.

(g) An association shall develop written security policies and procedures as requested by the commission. Within thirty (30) days after receipt of the request, the association shall file its proposed written security policies and procedures with the commission. Within fifteen (15) days of the filing, the executive director shall advise the association of suggested changes and modifications to the proposed security policies and procedures. Within seven (7) days after the receipt by the association of the comments of the executive director, the association shall file its final written security policies and procedures with the commission. The executive director may, at his discretion, and for good cause, alter the time line for the filing of the information as provided in this subsection. The final security policies and procedures shall be subject to the prior approval of the commission.

(h) In the absence of approved security policies and procedures, the executive director may determine track security policies and procedures. The association shall adhere to and enforce these policies and procedures.

(i) An association shall adhere to and enforce all security policies and procedures approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 4-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1138; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1497; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2073; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-4-2 Fire prevention

Authority: IC 4-31-3-9

Affected: IC 4-31-8-5

Sec. 2. (a) An association shall develop and implement a program for fire prevention on association grounds. An association shall instruct employees working on association grounds of the procedures for fire prevention.

(b) Not later than seven (7) days before the first day of the first race meeting of the year, an association shall deliver to the commission a copy of the state or local fire marshal's certification regarding the association's compliance with fire safety regulations or the fire marshal's plan of corrections. The certification or plan must be based on an inspection of the association grounds conducted by the fire marshal not more than thirty (30) days before the first day of the first race meeting of the year.

(c) No person shall:

- (1) smoke in the paddock, any barn, or under any shed row;
- (2) burn open fires or oil and gas lamps in the stable area;
- (3) leave unattended any electrical appliance that is plugged in to an electrical outlet;
- (4) permit horses to come within reach of electrical outlets or cords;
- (5) store flammable materials, such as cleaning fluids or solvents in the stable area; or
- (6) lock a stall which is occupied by a horse.

(d) An association shall post a notice in the stable area which lists the prohibitions outlined in subsection (c). (*Indiana Horse Racing Commission; 71 IAC 4-4-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1138; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2905; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2398; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-4-3 Insect and rodent control

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An association and the licensees occupying the association's barn area shall cooperate in procedures to control insects,

rodents, or other hazards to horses or licensees. (*Indiana Horse Racing Commission; 71 IAC 4-4-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-4-4 Performances

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. The hours of racing, the number of races per race day, and the post time for the first race of each race day are subject to the approval of the commission. (*Indiana Horse Racing Commission; 71 IAC 4-4-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-4-5 Complaints

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. (a) An association shall designate a location and provide personnel who shall be readily available to the public to provide or receive information.

(b) An association shall promptly notify the commission of a complaint regarding:

- (1) an alleged violation of the Act or these rules;
- (2) an alleged violation of ordinances or statutes;
- (3) accidents or injuries; or
- (4) unsafe or unsanitary conditions for patrons, licensees, or horses.

(*Indiana Horse Racing Commission; 71 IAC 4-4-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-4-6 Ejection and exclusion

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. An association may eject or exclude a person, licensed or unlicensed, from association grounds solely of its own volition and without any reason or excuse given therefor, provided, however, such ejection or exclusion shall not be founded on race, religion, or national origin. An association shall immediately notify the judges and the commission in writing of any person ejected or excluded by the association and the reasons for the ejection or exclusion. (*Indiana Horse Racing Commission; 71 IAC 4-4-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-4-7 Report to file

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. An association shall file with the commission, within seven (7) days of receipt, copies of the following:

- (1) any Occupational Safety and Health Administration or state or county health reports or citations;
- (2) fire inspections or citations;
- (3) any other safety, health, security, or hazard report from any government agency; or
- (4) the association's insurance company's inspection reports.

(*Indiana Horse Racing Commission; 71 IAC 4-4-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2905; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-4-8 Track rules

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. (a) The association shall have the authority to establish track rules provided such rules do not conflict with these rules.

(b) Proposed track rules shall be submitted in writing to the commission. Track rules shall be approved by the commission or the executive director.

(c) The commission or judges may impose a fine, suspension, or both for a violation of an approved track rule.

(d) Track rules shall be prominently posted at appropriate locations within the enclosure.

(e) Each licensee is responsible to be knowledgeable of track rules and agrees to abide by those rules. (*Indiana Horse Racing Commission; 71 IAC 4-4-8; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2905; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2074; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4-4-9 Alcohol testing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. An association shall provide an alcohol breath testing device that is approved by the commission and operated by a person certified to use such a device. The qualifications of individuals operating breath testing devices and the policies and procedures of the breath testing program are subject to the approval of the executive director or the commission's director of security. (*Indiana Horse Racing Commission; 71 IAC 4-4-9; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2074; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 4.5. FLAT RACING; ASSOCIATIONS

Rule 1. Associations

71 IAC 4.5-1-1 Associations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) An association, its officers, directors, officials, and employees shall abide by and enforce the Act, these rules, and the orders of the commission and stewards.

(b) An association may request an exemption from a requirement in this article to utilize new technology or innovative construction or design of the race track facilities. The commission may grant an exemption if the commission determines that:

(1) the association's proposal substantially satisfies the purpose of the requirement; and

(2) the exemption is in the best interests of the race horses, the racing industry, and the citizens of Indiana.

(*Indiana Horse Racing Commission; 71 IAC 4.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2840, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Financial Requirements

71 IAC 4.5-2-1 Insurer of the race meeting

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Approval of a race meeting by the commission does not establish the commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.

(b) An association shall agree to indemnify, save, and hold harmless the commission from any liability, if any, arising from unsafe conditions of association grounds and default in payment of purses.

(c) An association shall provide the commission with a certificate of liability insurance as required by the commission.

(d) An association shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Act and these rules.

(e) An association and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Act and these rules and not otherwise.

(f) An association and its officers shall ensure that all purse monies, disbursements, and appropriate nomination race monies are available to make timely distribution in accordance with the Act, these rules, association rules, and race conditions. (*Indiana Horse Racing Commission; 71 IAC 4.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2840, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-2-2 Bond requirements

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) An association shall file with the commission a bond payable to the commission in an amount determined by the commission for pari-mutuel racing and in either case not more than the financial liability of the association license throughout the race meeting for which the association license is requested.

(b) The bond shall be:

- (1) executed by the applicant and a surety company or companies authorized to do business in this jurisdiction; and
- (2) conditioned upon the payment by the association of all taxes and all other monies due and payable:

- (A) pursuant to statutory provisions;
- (B) from horsemen's accounts; and
- (C) from the presentation of winning tickets.

The association will distribute all sums due to the patrons of pari-mutuel pools.

(c) The financial liabilities incurred by the association in the form of real estate mortgages shall not be included in the determination of the bond amount. (*Indiana Horse Racing Commission; 71 IAC 4.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2840, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-2-3 Financial reports

Authority: IC 4-31-3-9

Affected: IC 4-31-13-6

Sec. 3. (a) The commission may require periodic audits to determine that the association has funds available to meet those distributions for the purposes required by the Act, these rules, the conditions and nomination race program of the race meeting, and the obligations incurred in the daily operation of the race meeting.

(b) An association shall file the following:

- (1) A copy of all tax returns.
- (2) A balance sheet.
- (3) A profit and loss statement.

(c) An association shall file with the commission an unaudited balance sheet and profit and loss statement as required by the commission. Those submissions must be in a format which conforms with the requirements set out in the permit.

(d) An association shall file an annual consolidated financial statement, audited by independent certified public accountants, for the track and simulcast operations, with the commission no later than March 31 after the close of its fiscal year, which reflects operations during the preceding calendar year. The audit must be in a format which conforms with the requirements set out in the permit application. The commission, upon good cause shown, may extend the time for filing.

(e) An association shall file with the commission a copy of any tax audit report received from the Internal Revenue Service, Indiana department of revenue, or any other federal or state agency auditing the association. (*Indiana Horse Racing Commission; 71 IAC 4.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2840, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2890; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-2-4 Reimbursement of stewards' expenses

Authority: IC 4-31-3-9; IC 4-31-3-11.5

Affected: IC 4-31

Sec. 4. (a) An association shall reimburse the commission for the salaries and reasonable expenses of all stewards who serve at the association's track. The reimbursement shall include, but not be limited to, the following:

- (1) All salaries, per diem, and fringe benefits.
- (2) Travel expenses, including lodging for any premeet or postmeet duties as approved by the executive director.
- (3) All expenses relating to the recruitment and interviewing of prospective stewards.
- (4) Other expenses related to subdivisions (1) through (3) as determined by the executive director.

(b) In the event of a meeting of less than sixty (60) days in duration, the association shall provide and pay directly for the reasonable lodging of any steward whose residence is greater than fifty (50) miles from the association's track. The association shall also pay for the lodging and travel expenses of any substitute steward. The location of lodging shall be subject to the approval of the executive director.

(c) The payment or reimbursement of reasonable travel expenses of stewards shall be subject to the travel policies and procedures of the state of Indiana established by the department of administration and approved by the budget agency. (*Indiana Horse Racing Commission; 71 IAC 4.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2841, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-2-5 Reimbursement of test barn assistants' expenses

Authority: IC 4-31-3-9; IC 4-31-12-6

Affected: IC 4-31

Sec. 5. An association shall reimburse the commission for the salaries, wages, per diem, fringe benefits, and expenses of all test barn assistants who serve at the association's track. (*Indiana Horse Racing Commission; 71 IAC 4.5-2-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2841, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-2-6 Accounting, auditing, and internal control requirements

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. An association, its officers, directors, officials and employees shall fully account for all receipts, disbursements, and balances of whatever kind and shall do the following:

- (1) Issue a proper receipt to the payer for all monies received detailing:
 - (A) the identity of the payer;
 - (B) whether paid by cash or check;
 - (C) the purpose of payment; and
 - (D) the date and time received.

The receipts shall be serially numbered in at least duplicates and on a form approved by the commission. This subsection does not apply to the sale of pari-mutuel tickets and admission, parking, programs, racing forms, and tip sheets.

- (2) Maintain a monthly reconciliation between association records and depository statements.
- (3) Direct their depository to provide account balance confirmations to the commission upon request.
- (4) File all required federal and state tax returns required on distributions, make required withholdings, and maintain a copy of the return on file for audit.
- (5) File all required Internal Revenue Service reports of cash payments and maintain a copy of the report on file for audit.
- (6) Make all distributions by check to the individual recipients. No distributions shall be made in cash unless the policy for such distribution has been approved by the executive director. This subsection does not apply to the payment of a pari-mutuel tickets.

(*Indiana Horse Racing Commission; 71 IAC 4.5-2-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2841, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-2-7 Records of employees

Authority: IC 4-31-5-5

Affected: IC 4-31

Sec. 7. An association shall file with the commission on the first day of each month a listing of employees currently on its payroll. Such list shall be in a format and from a source approved by the commission and shall include the employee's:

- (1) Social Security number;
- (2) date of birth;
- (3) date hired; and
- (4) date terminated;

if any. (*Indiana Horse Racing Commission; 71 IAC 4.5-2-7; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Facilities and Equipment

71 IAC 4.5-3-1 Facilities for patrons and licensees

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

(b) An association shall provide and maintain adequate rest room facilities for the patrons and licensees.

(c) An association shall provide an adequate supply of free drinking water.

(d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(e) During a race performance, the association shall provide the following:

(1) A first aid room equipped with appropriate equipment.

(2) The services of at least one (1) physician or certified emergency medical technician (EMT).

(f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for training or racing. If the ambulance is being used to transport an individual, the association may not conduct a race until the ambulance is replaced.

(g) The ambulance must be positioned at a location approved by the commission.

(h) An association shall provide adequate office space for the use of the stewards and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be approved by the commission.

(i) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

(j) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2890; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-2 Bulletin boards required

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The association shall erect and maintain glass enclosed bulletin boards close to the racing secretary's office, upon which all official notices of the commission shall be posted. The association shall also erect and maintain a glass enclosed bulletin board in the grandstand area where access is granted to all race day patrons, upon which all official notices of the commission may be posted. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-3 Officials' stands

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An association shall provide adequate stands for officials to have a clear view of the race track. The location and design of the stands must be approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-4 Audio and visual equipment

Authority: IC 4-31-3-9

Affected: IC 4-31-7; IC 4-31-8-2

Sec. 4. (a) An association shall provide and maintain in good working order a communication system between the:

- (1) stewards stand;
- (2) racing office;
- (3) tote room;
- (4) jockey's room;
- (5) paddock;
- (6) test barn;
- (7) starting gate;
- (8) video camera locations;
- (9) clocker's stand;
- (10) racing veterinarian;
- (11) track announcer;
- (12) location of the ambulances (equine and human); and
- (13) other locations and persons designated by the commission.

(b) An association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

(c) An association shall provide an electronic photo finish device to photograph the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the commission before its first use in a race. The association shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the commission. On request by the commission, the association shall provide, without cost, a print from the negative of a photo finish to the commission. Photo finish negatives of each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

(d) An association shall provide a videotaping system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, shall be provided in the stewards stand. The location and construction of video towers must be approved by the commission.

(e) The stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during, or following a race.

(f) Races must be recorded by at least three (3) video cameras.

(g) An association shall, upon request, provide to the commission, without cost, a copy of a videotape of a race.

(h) Videotapes recorded prior to, during, and following each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

(i) An association shall provide a viewing area in which, on approval by the stewards, an owner, trainer, jockey, or other interested individual may view a videotape recording of a race.

(j) Following any race in which there is an inquiry or objection, the association shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the stewards in making their decision. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-5 Race track

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The surface of a race track must be designed, constructed, and maintained to provide for the safety of the jockeys and horses.

(b) Prior to the first race meeting at an association race track, a licensed surveyor shall provide to the commission a certified report of the grade and measurement of the distances to be run.

(c) Distances to be run shall be measured from the starting line at a distance three (3) feet out from the inside rail or other markings as approved by the commission.

(d) The surveyor's report must be approved by the commission prior to the first race day of the meeting.

(e) An association shall provide an adequate drainage system for the race track.

(f) An association shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The association shall provide back-up equipment for maintaining the track surface. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2843, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-6 Rails

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Racetracks, including turf tracks, shall have an inside rail and an outside rail or barrier, including gap rails, designed, constructed, and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the commission prior to the first racing meeting at the track.

(b) The top of the rail must be at least thirty-eight (38) inches but no more than forty-two (42) inches above the top of the cushion. The inside rail shall have no less than a fifteen (15) inch overhang with a continuous smooth cover.

(c) All rails must be constructed of materials designed to withstand the impact of a horse running at a gallop. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2843, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-7 Starting gates

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. (a) During racing hours, an association shall provide at least two (2) operable padded starting gates, which have been approved by the commission.

(b) An association shall make at least one (1) starting gate and qualified starting gate personnel available for schooling during designated training hours.

(c) An association shall ensure that an adequate number of assistant starters is available for each race.

(d) If a race is started at a place other than in a chute, the association shall provide and maintain in good operating condition back-up equipment for moving the starting gate. The back-up equipment must be immediately available to replace the primary moving equipment in the event of failure. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2843, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-8 Distance markers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) An association shall provide starting point markers and distance poles in a size and position that is clearly seen from the steward's stand.

(b) The starting point markers and distance poles must be marked as follows:

- ¼ poles Red and white horizontal stripes
- ⅛ poles Green and white horizontal stripes
- 1/16 poles Black and white horizontal stripes

220 yards	Green and white
250 yards	Blue
300 yards	Yellow
330 yards	Black and white
350 yards	Red
400 yards	Black
440 yards	Red and white
550 yards	Black and white horizontal stripes
660 yards	Green and white horizontal stripes
770 yards	Black and white horizontal stripes
870 yards	Blue and white horizontal stripes

(Indiana Horse Racing Commission; 71 IAC 4.5-3-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2844, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 4.5-3-9 Lighting

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) An association shall provide lighting for the race track and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees, and horses. Lighting to ensure the proper operation of the videotape and photo finish equipment must be approved by the commission.

(b) An association shall provide adequate additional lighting in the stable area as required by the commission.

(c) If an association conducts racing at night, the association shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

(d) If the track goes dark during the running of a race, the race may be ruled no contest if, in the stewards opinion, the contest or finish was compromised. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2844, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 4.5-3-10 Equine ambulance

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) An association shall provide an equine ambulance staffed by trained personnel on association grounds on each day that the race track is open for pari-mutuel and qualifying racing or training.

(b) The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use.

(c) The ambulance must be a covered vehicle that is low to the ground and large enough to accommodate a horse in distress.

The ambulance must be able to:

(1) navigate on the race track during all weather conditions; and

(2) transport a horse off the association grounds.

(d) The ambulance must be equipped with:

(1) large, portable screens to shield a horse from public view;

(2) ramps to facilitate loading a horse;

(3) adequate means of loading a horse that is down;

(4) a rear door and a door on each side;

(5) a padded interior;

(6) a movable partition to initially provide more room to load a horse and to later restrict a horse's movement;

(7) a shielded area for the person who is attending to the horse; and

(8) an adequate area for the storage of water and veterinary drugs and equipment.

(e) An association may not conduct a race unless an equine ambulance or an official veterinarian-approved substitute is readily available.

(f) The equine ambulance, its supplies and attendants, and the operating procedures for the equine ambulance must be approved by the official veterinarian. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2844, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-11 Barns

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. (a) An association shall provide barns containing a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds. The association's stable area configuration and facilities must be approved by the commission.

(b) An association shall ensure that the barns are kept clean and in good repair. Each barn, including the receiving barn, must:

- (1) have a hot and cold water supply available;
- (2) be well-ventilated;
- (3) have proper drainage; and
- (4) be constructed to be reasonably comfortable in all seasons.

(c) An association shall ensure that each horse is stabled in an individual box stall with minimum dimensions of ten (10) feet by ten (10) feet.

(d) An association shall provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area promptly. The association shall ensure that refuse from the stalls and other refuse are kept separate. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-11; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2844, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-12 Test barn

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) An association shall provide a test barn for taking specimens of urine, blood, or other bodily substances or tissues for testing.

(b) The test barn must be equipped with:

- (1) a walk area that is large enough to accommodate four (4) horses;
- (2) at least four (4) enclosed stalls that permit observation of the collection process and provide for the protection of collection personnel;
- (3) facilities and equipment for the collection, identification, and storage of samples;
- (4) a washrack or washstall that is large enough to accommodate two (2) horses at the same time;
- (5) hot and cold running water;
- (6) clean water buckets for each horse; and
- (7) any other items requested by the commission or the executive director.

(c) An association shall limit access to the test barn to persons authorized by the official veterinarian. All entrances shall be locked or guarded at all times. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-12; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2845, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-3-13 Isolation area

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) An association shall provide an isolation area for the care and treatment of a horse that is ordered isolated by the racing veterinarian or the official veterinarian.

(b) The isolation area must be approved by the official veterinarian. (*Indiana Horse Racing Commission; 71 IAC 4.5-3-13;*

emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2845, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 4. Operations

71 IAC 4.5-4-1 Security

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) An association conducting a race meeting shall maintain security controls over its premises. Security controls are subject to the approval of the commission.

(b) An association may establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its race meeting are licensed as required by these rules.

(c) An association shall prevent access to and shall remove or cause to be removed from its restricted areas any person:

(1) who is unlicensed;

(2) who has not been issued a visitor's pass or other identifying credential; or

(3) whose presence in such restricted area is unauthorized.

(d) Unless otherwise authorized by the commission, an association shall provide continuous security in the stable area during all times that horses are stabled on the grounds. An association shall require any person entering the stable area to display valid credentials issued by the commission or a *[sic.]* visitor's pass issued by the association. An association shall provide security fencing around the stable area in a manner that is approved by the commission.

(e) On request by the commission, an association shall provide a list of the security personnel, including the following:

(1) Name.

(2) Qualifications.

(3) Training.

(4) Duties.

(5) Duty station.

(6) Area supervised.

(f) Each day, the chief of security for an association shall deliver a written report to the stewards and the commission's director of security regarding occurrences on association grounds on the previous day. Not later than twenty-four (24) hours after an incident occurs requiring the attention of security personnel, the chief of security shall deliver to the stewards a written report describing the incident. The report must include the following:

(1) The name of each individual involved in the incident.

(2) The circumstances of the incident.

(3) Any recommended charges against each individual involved.

(g) An association shall develop written security policies and procedures as requested by the commission. Within thirty (30) days after receipt of the request, the association shall file its proposed written security policies and procedures with the commission. Within fifteen (15) days of the filing, the executive director shall advise the association of suggested changes and modifications to the proposed security policies and procedures. Within seven (7) days after the receipt by the association of the comments of the executive director, the association shall file its final written security policies and procedures with the commission. The executive director may, at his discretion, and for good cause, alter the time line for the filing of the information as provided in this subsection. The final security policies and procedures shall be subject to the prior approval of the commission.

(h) In the absence of approved security policies and procedures, the executive director may determine track security policies and procedures. The association shall adhere to and enforce these policies and procedures.

(i) An association shall adhere to and enforce all security policies and procedures approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 4.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2845, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-4-2 Fire prevention

Authority: IC 4-31-3-9

Affected: IC 4-31-8-5

Sec. 2. (a) An association shall develop and implement a program for fire prevention on association grounds. An association shall instruct employees working on association grounds of the procedures for fire prevention.

(b) Not later than seven (7) days before the first day of the first race meeting of the year, an association shall deliver to the commission a copy of the state or local fire marshal's certification regarding the association's compliance with fire safety regulations or the fire marshal's plan of corrections. The certification or plan must be based on an inspection of the association grounds conducted by the fire marshal not more than thirty (30) days before the first day of the first race meeting of the year.

(c) No person shall:

- (1) smoke in the paddock, any barn, or under any shed row;
- (2) burn open fires or oil and gas lamps in the stable area;
- (3) leave unattended any electrical appliance that is plugged in to an electrical outlet;
- (4) permit horses to come within reach of electrical outlets or cords;
- (5) store flammable materials, such as cleaning fluids, or solvents in the stable area; or
- (6) lock a stall which is occupied by a horse.

(d) An association shall post a notice in the stable area which lists the prohibitions outlined in subsection (c). (*Indiana Horse Racing Commission; 71 IAC 4.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2416; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-4-3 Insect and rodent control

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An association and the licensees occupying the association's barn area shall cooperate in procedures to control insects, rodents, or other hazards to horses or licensees. (*Indiana Horse Racing Commission; 71 IAC 4.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-4-4 Performances

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The hours of racing, the number of races per race day, and the post time for the first race of each race day are subject to the approval of the commission. (*Indiana Horse Racing Commission; 71 IAC 4.5-4-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-4-5 Complaints

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) An association shall designate a location and provide personnel who shall be readily available to the public to provide or receive information.

(b) An association shall promptly notify the commission of a complaint regarding:

- (1) an alleged violation of the Act or these rules;
- (2) an alleged violation of ordinances or statutes;
- (3) accidents or injuries; or
- (4) unsafe or unsanitary conditions for patrons, licensees, or horses.

(*Indiana Horse Racing Commission; 71 IAC 4.5-4-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-4-6 Ejection and exclusion

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. An association may eject or exclude a person, licensed or unlicensed, from association grounds solely of its own volition and without any reason or excuse given therefor, provided, however, such ejection or exclusion shall not be founded on race, religion, or national origin. An association shall immediately notify the stewards and the commission in writing of any person ejected or excluded by the association and the reasons for the ejection or exclusion. (*Indiana Horse Racing Commission; 71 IAC 4.5-4-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-4-7 Report to file

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. An association shall file with the commission, within seven (7) days of receipt, copies of the following:

- (1) any Occupational Safety and Health Administration or state or county health reports or citations;
- (2) fire inspections or citations;
- (3) any other safety, health, security, or hazard report from any government agency; or
- (4) the association's insurance company's inspection reports.

(*Indiana Horse Racing Commission; 71 IAC 4.5-4-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2847, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-4-8 Track rules

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) The association shall have the authority to establish track rules provided such rules do not conflict with these rules.

(b) Proposed track rules shall be submitted in writing to the commission. Track rules shall be approved by the commission or the executive director.

(c) The commission or stewards may impose a fine, suspension, or both for a violation of an approved track rule.

(d) Track rules shall be prominently posted at appropriate locations within the enclosure.

(e) Each licensee is responsible to be knowledgeable of track rules and agrees to abide by those rules. (*Indiana Horse Racing Commission; 71 IAC 4.5-4-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2847, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 4.5-4-9 Alcohol testing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. An association shall provide an alcohol breath testing device that is approved by the commission and operated by a person certified to use such a device. The qualifications of individuals operating breath testing devices and the policies and procedures of the breath testing program are subject to the approval of the executive director or the commission's director of security. (*Indiana Horse Racing Commission; 71 IAC 4.5-4-9; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2891; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 5. LICENSEES

Rule 1. General Provisions

71 IAC 5-1-1 Licenses required

Authority: IC 4-31-6-2; IC 4-31-3-9; IC 4-31-13-4

Affected: IC 4-31

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

- (1) Racing participants and personnel (including owner, authorized agent, trainer, driver, assistant trainer, veterinarian, veterinary assistant, horseshoer, and stable employees).
- (2) Racing officials as listed in 71 IAC 3.
- (3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds while pari-mutuel wagering is being conducted.
- (4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.
- (5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.
- (6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(b) The commission may require a person working at a training center outside the enclosure, with horses competing at a track under the commission's jurisdiction, to obtain a valid license issued by the commission. A requirement for licensure under this section shall be made upon reasonable suspicion that such person's activities or reputation are inconsistent with maintaining racing with the highest standards and the greatest level of integrity. The executive director or judges may refuse entry or scratch any horse involving any such person who, after requested to obtain a valid license, fails to or is unable to obtain a license.

(c) Persons required to be licensed shall submit a completed application on forms furnished by the commission and accompanied by the required fee.

(d) License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be re-fingerprinted or re-photographed periodically as determined by the commission.

(e) The determination whether to issue a license may be placed in a pending status awaiting information requested and deemed necessary by the commission or its designee. (*Indiana Horse Racing Commission; 71 IAC 5-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2905; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2154; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2398; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-2 Fingerprinting and licensing reciprocity

Authority: IC 4-31-6-2

Affected: IC 4-31-6-8

Sec. 2. (a) The commission may license persons holding valid permanent (not temporary) licenses issued by ARCI member racing jurisdictions in North America. Prior to being licensed, the person must:

- (1) be in good standing;
- (2) have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous five (5) years;
- (3) file an application or affidavit as may be required by the commission; and
- (4) pay the required applicable fees.

(b) The commission may recognize the issuance of racing licenses from ARCI member jurisdictions in North America for purposes of issuance of licenses in this jurisdiction.

(c) Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

(d) Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

(e) Provided the above requirements have been met, the commission may issue either a license or a validation sticker. The validation sticker shall be affixed to either a license issued by this jurisdiction or a valid license issued by another ARCI member jurisdiction. The validation sticker shall measure a maximum of one-half (½) inch vertically, be one and one-half (1½) inches horizontally, and shall contain:

- (1) this jurisdiction's two-letter postal service abbreviation;
- (2) the year of validation; and
- (3) the audit trail code or serial number (where applicable).

The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that such license shall be valid in this jurisdiction.

(f) In the event the licensee is absent from this jurisdiction, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the commission office so that a commission representative may affix the proper validation sticker to the racing license badge.

(g) Notwithstanding a person's purported eligibility for fingerprint reciprocity, the commission or its designee may require the fingerprinting of any applicant or licensee. (*Indiana Horse Racing Commission; 71 IAC 5-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-3 Multi-state licensing information

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 3. In lieu of a license application from this jurisdiction, the commission may accept an ARCI Multi-State License and Information Form. (*Indiana Horse Racing Commission; 71 IAC 5-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-4 Age requirement

Authority: IC 4-31-6-2
Affected: IC 4-31-6-5

Sec. 4. (a) Applicants for licensing shall be a minimum of sixteen (16) years of age unless otherwise specified in these rules. An applicant may be required to submit a certified copy of his or her birth certificate. Persons under the age of eighteen (18) may be required to show evidence of active participation in a certified educational program or have a high school diploma or equivalent.

(b) The commission may grant a license to a person less than sixteen (16) years of age who is working on the association grounds for a parent or legal guardian who is licensed by the commission. An application under this subsection must be signed by the applicant's parent or legal guardian in the presence of one (1) or more judges. (*Indiana Horse Racing Commission; 71 IAC 5-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-5 Consent to investigation

Authority: IC 4-31-6-2
Affected: IC 4-31-13-4

Sec. 5. The filing of an application for license shall authorize the commission to do the following:

- (1) Investigate criminal and employment records.
- (2) Engage in interviews to determine the applicant's character and qualifications.
- (3) Verify information provided by the applicant.

(*Indiana Horse Racing Commission; 71 IAC 5-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-6 Consent to search and seizure

Authority: IC 4-31-6-2
Affected: IC 4-31-13-4

Sec. 6. By acceptance of a license, a licensee consents to search and inspection by the commission or its agents and to the seizure of any prohibited medication, controlled substances, paraphernalia, or devices in violation of state or federal law or these rules. Any seized drugs, medication, or other materials may be forwarded by the commission or its agents to the official chemist for analysis. The analysis of materials seized under the provisions of this section is not subject to 71 IAC 8-4. (*Indiana Horse Racing Commission; 71 IAC 5-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1497; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-7 Approval or recommendations by judges

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 7. The commission may designate categories of licenses which shall require the prior approval or recommendation of the judges. (*Indiana Horse Racing Commission; 71 IAC 5-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-8 Employer responsibility

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 8. (a) The employment or harboring of any unlicensed person at facilities under the jurisdiction of the commission is prohibited.

(b) Every employer shall report, within twenty-four (24) hours, the discharge of any licensed employee in writing to the commission or its designee, including the person's name, occupation, and reason for the discharge and shall surrender to the commission the employee's photo I.D. badge. (*Indiana Horse Racing Commission; 71 IAC 5-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-9 Employer endorsement of license applications

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 9. (a) The license application of an employee shall be signed by the employer.

(b) Grooms coming in for a one-time stake race before the trainer arrives can file for a license without the trainer. However, when the trainer arrives, he or she must endorse or sign the groom's application. (*Indiana Horse Racing Commission; 71 IAC 5-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-10 Workers' compensation

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 10. Licensed employers shall carry workers' compensation insurance covering their employees as required by Indiana statute. (*Indiana Horse Racing Commission; 71 IAC 5-1-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-11 Financial responsibility

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 11. Applicants for a license may be required to submit evidence of financial responsibility and shall maintain financial responsibility during the period for which the license is issued. (*Indiana Horse Racing Commission; 71 IAC 5-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-12 License refusal

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 12. The commission, the judges, or the executive director as the commission's designee may refuse to issue a license. The decision to refuse a license is treated as a withdrawal of the license application without prejudice and is not reported to the ARCI. If an applicant is refused, the applicant may reapply for a license. If an applicant contests a license refusal, the judges (or

an administrative law judge if the judges are unavailable) shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, the hearing on a license refusal is not considered to be a disciplinary action. If the judges affirm the decision to refuse a license application, the refusal shall be treated as the denial of the application, consistent with these rules. (*Indiana Horse Racing Commission; 71 IAC 5-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-13 License denial

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 13. The commission, the judges, or the executive director as the commission's designee may formally deny an application in accordance with these rules. If an applicant contests the basis of the denial of a license application not later than fifteen (15) days after notice is served, the judges (or an administrative law judge if the judges are unavailable) shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, a hearing challenging the denial of a license application is not considered to be a disciplinary action. An application which is denied shall:

(1) be reported in writing to the applicant stating the reasons for denial and the date when a reapplication may be submitted; and

(2) be reported to the USTA and the ARCI, which shall then advise other racing jurisdictions.

(*Indiana Horse Racing Commission; 71 IAC 5-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-14 Grounds for sanctions

Authority: IC 4-31-6-2; IC 4-31-13-1

Affected: IC 4-31-6-6

Sec. 14. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, or other person, if:

(1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and

(2) any of the conditions listed in subsection (b) apply to the applicant or licensee or person.

(b) The conditions referred to in subsection (a) include, but are not limited to, the following:

(1) The person has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.

(2) The person has had a license of the legally constituted racing or gaming authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.

(3) The person is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.

(4) The person has violated or attempted to violate a provision of this article, these rules, or a law or rule with respect to horse racing in a jurisdiction.

(5) The person has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of horses or pari-mutuel wagering.

(6) The person has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting on obligations, or issuing drafts or checks that are dishonored or not paid.

(7) The applicant or licensee has made a material misrepresentation in an application for a license.

(8) The person has been convicted of a crime involving bookmaking, touting, or similar pursuits or has consorted with a person convicted of such an offense.

(9) The person has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.

(10) The person has engaged in conduct that is against the best interest of horse racing or compromises the integrity of operations at a track or satellite facility.

(11) The person has failed to comply with a written order or ruling of the commission or judges pertaining to a racing matter.

(12) The person has failed to answer correctly under oath, to the best of the person's knowledge, all questions asked by the commission or its representatives pertaining to a racing matter.

(13) The person has failed to return to a permit holder any purse money, trophies, or awards paid in error or ordered redistributed by the commission.

(14) The person has had possession of an alcoholic beverage on a permit holder's premises, other than a beverage legally sold through the permit holder's concession operation.

(15) The person has interfered with or obstructed a member of the commission, a commission employee, or a racing official while performing official duties.

(16) The name of the applicant or licensee appears on the department of state revenue's most recent tax warrant list, and the person's delinquent tax liability has not been satisfied.

(17) The person has pending criminal charges.

(18) The person has racing or gaming disciplinary charges pending in this state or other jurisdictions.

(19) The applicant or licensee is unqualified to perform the duties required.

(20) The person has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as an Indiana owned, Indiana bred or Indiana sired.

(21) The applicant or licensee is an illegal alien.

(c) A license suspension or revocation shall be reported in writing to the applicant, the USTA, and the ARCI, whereby other racing jurisdictions shall be advised. (*Indiana Horse Racing Commission; 71 IAC 5-1-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2847, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2074; emergency rule filed Feb 12, 1998, 4:15 p.m.: 21 IR 2396; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-15 Reciprocity

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 15. If a person is suspended, expelled, or ruled off; or if his or her license is revoked or his or her application for a license has been denied; or he or she is under any other current penalty pursuant to the rules of the racing authority of any other state or country, such person shall stand suspended, expelled, ruled off, or denied a license at all tracks and satellite facilities operating under the jurisdiction of the commission until the ruling has been withdrawn by the originating authority. (*Indiana Horse Racing Commission; 71 IAC 5-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-16 License restrictions, limitations, and conditions

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 16. The commission or its designee, for cause, may restrict, limit, or place conditions on any license, including probationary status. (*Indiana Horse Racing Commission; 71 IAC 5-1-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-17 Duration of license

Authority: IC 4-31-6-2

Affected: IC 4-31-6-4

Sec. 17. (a) All licenses expire December 31 of each year.

(b) A license is valid only under the condition that the licensee remains eligible to hold such license. (*Indiana Horse Racing Commission; 71 IAC 5-1-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-18 Changes in application information

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 18. During the period for which a license has been issued, the licensee shall report to the commission changes in information provided on the license application, including the following:

- (1) Current legal name.
- (2) Marital status.
- (3) Permanent address.
- (4) Pending criminal complaints.
- (5) Criminal convictions.
- (6) License suspensions of ten (10) days or more.
- (7) License revocations or fines of five hundred dollars (\$500) or more in other jurisdictions.
- (8) Racing related disciplinary charges pending in other jurisdictions.

Such information shall be upon the appropriate commission form, signed by the licensee, and filed at the commission offices. (*Indiana Horse Racing Commission; 71 IAC 5-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-19 Temporary licenses

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 19. (a) Temporary licenses shall only be issued to owners. A horse in a trainer's care shall not start in a race unless at least an application for a temporary license is on file with the commission. Licensed trainers may apply for a temporary license on behalf of owners for whom they train. Failure to supply the minimum information, as determined by the commission, for a temporary license is grounds for refusal. A temporary license shall be valid for no more than thirty (30) days from the date of issuance and shall automatically lapse after the thirtieth day pending completion of all licensing procedures. Upon expiration of the thirty (30) day temporary license, the owner's license will be suspended or the owner's horses shall be ineligible to race in Indiana pending completion of all licensing procedures. Completion of all owner licensing procedures will extend the owner's license to the end of the calendar year.

(b) An owner shall not be eligible to be issued more than one (1) temporary license in any calendar year. (*Indiana Horse Racing Commission; 71 IAC 5-1-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-20 More than one license

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 20. More than one (1) license to participate in horse racing may be granted to a person except when prohibited by these rules due to a potential conflict of interest. (*Indiana Horse Racing Commission; 71 IAC 5-1-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-1-21 Conflict of interest

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 21. (a) The commission or its designee shall refuse, deny, suspend, or revoke the license of a person whose spouse holds a license and which the commission or judges find to be a conflict of interest.

(b) A commissioner, commission employee, or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.

(c) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect

to that race.

(d) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as any of the following:

- (1) Racing official.
- (2) Assistant starter.
- (3) Practicing veterinarian.
- (4) Veterinary assistant.
- (5) Officer or managing employee.
- (6) Track maintenance supervisor or employee.
- (7) Outrider.
- (8) Race track security employee.
- (9) Horseshoer.
- (10) Photo finish operator.
- (11) Horsemen's bookkeeper.
- (12) Racing chemist.
- (13) Testing laboratory employee.

(Indiana Horse Racing Commission; 71 IAC 5-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 5-1-22 License presentation

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 22. (a) All licensees shall carry on their person at all times within the enclosure their assigned commission license (photo identification badge).

- (b) A person shall present an appropriate license to enter a restricted area.
- (c) The judges may require visible display of a license in a restricted area.

(d) A license may only be used by the person to whom it is issued. *(Indiana Horse Racing Commission; 71 IAC 5-1-22; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5-1-23 Visitor's pass

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 23. Track security may authorize unlicensed persons temporary access to restricted areas. Such persons shall be identified and their purpose and credentials verified and approved in writing by track security. A copy of the written approval shall be filed with the commission or its designee within forty-eight (48) hours. Such authorization or credential may only be used by the person to whom it is issued. *(Indiana Horse Racing Commission; 71 IAC 5-1-23; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5-1-24 Credentials property of commission

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 24. Licensee credentials (photo identification badge) are the property of the commission and must be surrendered to the executive director, judges, commission director of security, or their designee upon request. *(Indiana Horse Racing Commission; 71 IAC 5-1-24; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5-1-25 Knowledge of rules

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 25. A licensee shall be knowledgeable of these rules and, by acceptance of the license, agrees to abide by these rules. *(Indiana Horse Racing Commission; 71 IAC 5-1-25; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5-1-26 Cooperation with investigations

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 26. (a) All licensees shall cooperate fully with all investigations and inquiries made by commission representatives or association security, or both.

(b) All licensees shall obey instructions from commission representatives or association security, or both. *(Indiana Horse Racing Commission; 71 IAC 5-1-26; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5-1-27 Reporting known or suspected irregularities and rule violations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 27. All licensees shall report any known or suspected irregularities, any violation of the rules of the commission, or any wrong doings by any person immediately to the commission and cooperate in subsequent investigations. *(Indiana Horse Racing Commission; 71 IAC 5-1-27; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 2. Owners

71 IAC 5-2-1 Licensing requirements for owners

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 1. (a) Each person who has a five percent (5%) or more ownership or beneficial interest in a horse is required to be licensed. An applicant for an owner's license can be of any age.

(b) An applicant for an owner's license shall own or lease a horse which is:

- (1) eligible to race; and
- (2) registered with the racing secretary.

(c) If younger than eighteen (18) years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. In addition, the parents or legal guardians of an applicant for an owner's license under the age of eighteen (18) must be licensed as an owner.

(d) If the commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the racing secretary shall be approved by the judges. Each owner and trainer shall comply with all licensing requirements.

(f) The commission or its designee may refuse, deny, suspend, or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a commission rule or ruling is prohibited.

(Indiana Horse Racing Commission; 71 IAC 5-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 5-2-2 Licensing requirements for multiple owners

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. (a) If the legal owner of any horse is:

- (1) a partnership;
- (2) a corporation;
- (3) a syndicate; or
- (4) any other association or entity;

each shareholder or partner shall be licensed as required in section 1 of this rule.

(b) Each partnership, corporation, syndicate, or other association or entity shall disclose to the commission all owners holding a five percent (5%) or greater beneficial interest, unless otherwise required by the commission.

(c) Each partnership, corporation, syndicate, or other association or entity which includes an owner with less than a five percent (5%) ownership or beneficial interest shall file with the commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.

(d) To obtain an owner's license, an owner with less than a five percent (5%) ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the judges.

(e) Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice, or order at such address shall constitute official notice to all persons involved in the ownership of such horse.

(f) The written appointment of a managing owner or authorized agent shall be filed with the commission. *(Indiana Horse Racing Commission; 71 IAC 5-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5-2-3 Lease agreements

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the commission is attached to the certificate of registration and on file with the commission. The lessor and lessee shall be licensed as horse owners. *(Indiana Horse Racing Commission; 71 IAC 5-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5-2-4 Stable name registration

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 4. (a) All current year registrations of stable names by the USTA shall be recognized in Indiana upon payment of the appropriate fees.

(b) Licensed owners and lessees may adopt a stable name subject to the approval of the USTA.

(c) The applicant shall identify all persons using the stable name. Changes shall be reported immediately to the commission.

(d) A person who has registered a stable name may cancel it upon written notice to the commission.

(e) The stable name and the name of the owner shall be published in the program.

(f) All persons using a stable name shall comply with all rules regarding licensing of owners.

(g) In the event one (1) of the owners or persons listed in a registered stable is suspended, all horses shall be included. *(Indiana Horse Racing Commission; 71 IAC 5-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5-2-5 Racing colors

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 5. The racing colors to be worn by each driver in a race shall be described in the program, and any change shall be announced to the public prior to the commencement of the race. (*Indiana Horse Racing Commission; 71 IAC 5-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Trainers

71 IAC 5-3-1 Eligibility

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:

- (1) be at least eighteen (18) years of age;
- (2) be qualified, as determined by the judges or other commission designee, by reason of experience, background, and knowledge of racing. A trainer's license from another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or more of the following:
 - (A) A written examination.
 - (B) An interview or oral examination.
 - (C) A demonstration of practical skills in a barn test.

(b) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills, administered by the USTA, prior to being licensed as a trainer. (*Indiana Horse Racing Commission; 71 IAC 5-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-3-2 Trainer responsibility

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. (a) The trainer is responsible for:

- (1) the condition of horses he or she trains entered in an official workout or race; and
- (2) the presence of any prohibited drug, medication, or other substance, including permitted medication in excess of the maximum allowable level, in horses he or she trains;

regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(b) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(c) A trainer whose horse has been claimed remains responsible for the race in which the horse is claimed. (*Indiana Horse Racing Commission; 71 IAC 5-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-3-3 Other responsibilities

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. (a) A trainer is responsible for the following:

- (1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned

by the association.

- (2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
- (3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:
 - (A) name;
 - (B) occupation;
 - (C) Social Security number; and
 - (D) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.
 - (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the judges and recorded by the racing secretary.
 - (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
 - (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
 - (9) Ensuring that, at the time of arrival at a licensed race track, each horse in his or her care is accompanied by a valid health certificate which shall be filed with the racing secretary.
 - (10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.
 - (11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.
 - (12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the USTA electronic eligibility.
 - (13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that such fact is designated on the USTA electronic eligibility.
 - (14) Promptly reporting to the judges and the commission veterinarian the serious illness of any horse in his or her charge.
 - (15) Promptly reporting the death of any horse in his or her care on association grounds to the judges and the commission veterinarian and compliance with 71 IAC 8 governing postmortem examinations.
 - (16) Maintaining a knowledge of the medication record and status of all horses in his or her care.
 - (17) Immediately reporting to the judges and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.
 - (18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.
 - (19) Horses entered as to eligibility.
 - (20) Ensuring the fitness of a horse to perform creditably.
 - (21) Ensuring that his or her horses are properly shod, bandaged, and equipped.
 - (22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.
 - (23) Personally attending to his or her horses in the paddock or designate [*sic., designating*] a licensee to attend to the horse in the paddock.
 - (24) Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.
 - (25) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.
 - (26) Promptly notifying the owner of a horse of a positive test or blood gas analysis report performed on his or her horse indicating levels in violation of 71 IAC 8.
 - (27) Notifying horse owners upon the revocation or suspension of his or her trainer's license.
 - (28) Guard and protect all horses in his or her care.
 - (29) Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.
 - (30) Determine the training regimen of all horses in his or her care.
 - (31) Reporting at time of entry if his or her horse will be racing with a nasal strip.
 - (32) Ensuring that electronic eligibility are [*sic., is*] registered with the USTA prior to entry in a race or qualifying race.
- (b) Upon application by the owner, the judges may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.

(c) No trainer shall assign any of his or her duties or responsibilities to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his or her active care, custody, and supervision.

(e) No trainer shall practice his profession except under his or her own name. (*Indiana Horse Racing Commission; 71 IAC 5-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2005; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2100; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2535*)

71 IAC 5-3-4 Restrictions on wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. A trainer shall only be allowed to wager on his or her horse or entries to win or finish first in combination with other horses. (*Indiana Horse Racing Commission; 71 IAC 5-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-3-5 Assistant trainers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the judges. The assistant trainer shall be licensed prior to acting in such capacity on behalf of the trainer.

(b) Qualifications for obtaining an assistant trainer's license shall be prescribed by the judges and the commission and may include those requirements prescribed in section 1 of this rule.

(c) An assistant trainer may substitute for and shall assume the same duties, responsibilities, and restrictions as imposed on the licensed trainer. In which case, the trainer shall be jointly responsible for the assistant trainer's compliance with these rules. (*Indiana Horse Racing Commission; 71 IAC 5-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-3-6 Substitute trainers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) A trainer, absent for more than five (5) days from his or her responsibility as a licensed trainer, shall obtain another licensed trainer to substitute.

(b) A substitute trainer shall accept responsibility for the horses and be approved by the judges.

(c) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official race pursuant to this section. (*Indiana Horse Racing Commission; 71 IAC 5-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1147; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3126, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Drivers

71 IAC 5-4-1 Drivers; licensing

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) A person who desires to drive a harness horse at a race meeting shall be required to obtain a license from the commission, and must receive the recommendation of the judges.

(b) Every applicant for a driver's license shall satisfy the judges in a manner prescribed by the judges, that he or she meets all of the following qualifications:

(1) Has had at least one (1) year's training experience and has demonstrated the ability to drive.

(2) Is physically and mentally competent to drive.

(3) Is knowledgeable of, and conversant in, the training and driving of harness horses.

(4) Is familiar with the rules of racing.

(5) Has a minimum of 20/40 corrected vision in both eyes or, if the individual is blind in one (1) eye, not less than 20/30 corrected vision in the other eye, as indicated on the USTA Drivers License Card.

(6) Is not less than sixteen (16) years of age.

(7) Is the holder of a currently valid "A" (full), "CD" (conditional/probationary), or "P" (provisional) license issued by the USTA, or comparable licensing issued by the CTA.

(c) Proper licensing notwithstanding, the judges at any race meeting may refuse to permit any driver to compete in a race if, in their judgment, he or she is unfit, unqualified, or too inexperienced to drive. Such driver may be required to submit to a physical examination under conditions specified by the judges.

(d) A person aspiring to become a driver may, after successfully completing a written examination administered by the USTA or CTA, apply for licensing to drive in qualifying races and non-betting races only. Persons granted "QF" (qualifying fair) licenses shall not be less than sixteen (16) years of age and have the approval of the judges. All such persons driving in such races shall do so under the scrutiny of the judges and, where instituted, a horsemen's advisory committee, which shall present its observations to the judges in writing. To aid in making a determination on the ability and qualification of the holder of a "QF" (qualifying fair) license, the judges may require the driver to go a rated mile, with the times for the mile and the quarters thereof to be declared beforehand by the driver.

(e) A driver holding a provisional license shall not be considered for advancement to a full license by the judges until he or she has qualified pursuant to one of the following provisions:

(1) Had at least one (1) year's driving experience while holding a "P" (provisional) license, plus twenty-five (25) satisfactory pari-mutuel starts in the calendar year before application.

(2) Had at least one (1) year's driving experience while holding a "P" (provisional) license, but had not less than fifty (50) satisfactory pari-mutuel starts and the written approval from the judges at a recognized meeting.

(3) Made twenty-five (25) satisfactory starts at pari-mutuel or grand circuit meetings in the two (2) calendar years preceding the date of application if he or she has had not less than fifty (50) satisfactory fair starts.

(f) A driver who presently holds a license and wishes to obtain a license in a higher category and who has not previously submitted to a written test may be required to take a written test before becoming eligible to obtain a license in a higher category.

(g) Repeated rule violations shall be considered grounds for refusal to grant, or grounds for revocation of, any driver's license. (*Indiana Horse Racing Commission; 71 IAC 5-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1147; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 5. Owners' Authorized Agents

71 IAC 5-5-1 Licenses required

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An authorized agent shall obtain a license from the commission.

(b) Application for license shall be filed for each owner represented.

(c) A written instrument signed by the owner shall accompany the application and shall clearly set forth the delegated powers of the authorized agent. The owner's signature on the written instrument shall be acknowledged before a notary public.

(d) If the written instrument is a power of attorney it shall be filed with the commission and attached to the regular application form.

(e) Any changes shall be made in writing and filed as provided in subsection (c).

(f) The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the commission whereupon the license shall not be valid. (*Indiana Horse Racing Commission; 71 IAC 5-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5-5-2 Powers and duties

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A licensed authorized agent may perform on behalf of the licensed owner-principal all acts as relate to racing, as specified in the agency appointment, that could be performed by the principal if such principal were present.

(b) In executing any document on behalf of the principal, the authorized agent shall clearly identify the authorized agent and the owner-principal.

(c) When an authorized agent enters a claim for the account of a principal, the name of the licensed owner for whom the claim is being made and the name of the authorized agent shall appear on the claim slip or card.

(d) Authorized agents are responsible for disclosure of the true and entire ownership of each horse for which they have authority. Any change in ownership shall be reported immediately to, and approved by, the judges and reported to the USTA for recording. (*Indiana Horse Racing Commission; 71 IAC 5-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 6. Horseshoers

71 IAC 5-6-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An applicant for a license as horseshoer shall:

(1) be at least eighteen (18) years of age;

(2) be qualified, as determined by the judges, by reason of experience, background, and knowledge of horseshoeing. A horseshoer's license from another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or more of the following:

(A) A written examination.

(B) An interview or oral examination.

(C) A demonstration of practical skills in horseshoeing.

(b) Applicants not previously licensed as a horseshoer shall be required to:

(1) pass a written or oral examination;

(2) demonstrate practical skills; and

(3) submit at least two (2) written statements as to the character and qualifications of the applicant.

(*Indiana Horse Racing Commission; 71 IAC 5-6-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 5.5. FLAT RACING; LICENSEES

Rule 1. General Provisions

71 IAC 5.5-1-1 Licenses required

Authority: IC 4-31-6-2; IC 4-31-3-9; IC 4-31-13-4

Affected: IC 4-31

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

(1) Racing participants and personnel (including owner, authorized agent, trainer, assistant trainer, jockey, apprentice jockey, jockey agent, veterinarian, veterinary assistant, horseshoer, and stable employees).

(2) Racing officials as listed in 71 IAC 3.5.

(3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds while pari-mutuel wagering is being conducted.

(4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.

(5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.

(6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(b) The commission may require a person working at a training center outside the enclosure, with horses competing at a track under the commission's jurisdiction, to obtain a valid license issued by the commission. A requirement for licensure under this section shall be made upon reasonable suspicion that such person's activities or reputation are inconsistent with maintaining racing with the highest standards and the greatest level of integrity. The executive director or judges may refuse entry or scratch any horse involving any such person who, after requested to obtain a valid license, fails to or is unable to obtain a license.

(c) Persons required to be licensed shall submit a completed application on forms furnished by the commission and accompanied by the required fee.

(d) License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be refingerprinted or rephotographed periodically as determined by the commission. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2155; errata filed Apr 9, 1997, 2:15 p.m.: 20 IR 2116; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-2 Fingerprinting and licensing reciprocity

Authority: IC 4-31-6-2

Affected: IC 4-31-6-8

Sec. 2. (a) The commission may license persons holding valid permanent (not temporary) licenses issued by ARCI member racing jurisdictions in North America. Prior to being licensed, the person must:

(1) be in good standing;

(2) have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous five (5) years;

(3) file an application or affidavit as may be required by the commission; and

(4) pay the required applicable fees.

(b) The commission may recognize the issuance of racing licenses from ARCI member jurisdictions in North America for purposes of issuance of licenses in this jurisdiction.

(c) Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

(d) Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

(e) Provided the above requirements have been met, the commission may issue either a license or a validation sticker. The validation sticker shall be affixed to either a license issued by this jurisdiction or a valid license issued by another ARCI member jurisdiction. The validation sticker shall measure a maximum of one-half (½) inch vertically, be one and one-half (1½) inches horizontally, and shall contain:

(1) this jurisdiction's two-letter postal service abbreviation;

(2) the year of validation; and

(3) the audit trail code or serial number (where applicable).

The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that such license shall be valid in this jurisdiction.

(f) In the event the licensee is absent from this jurisdiction, and upon payment of the applicable fees, a receipt shall be mailed

to the licensee's permanent address. The receipt may then be presented at the commission office so that a commission representative may affix the proper validation sticker to the racing license badge.

(g) Notwithstanding a person's purported eligibility for fingerprint reciprocity, the commission or its designee may require the fingerprinting of any applicant or licensee. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2416; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-3 Multi-state licensing information

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. In lieu of a license application from this jurisdiction, the commission may accept an ARCI Multi-State License and Information Form. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-4 Age requirement

Authority: IC 4-31-6-2

Affected: IC 4-31-6-5

Sec. 4. (a) Applicants for licensing shall be a minimum of sixteen (16) years of age unless otherwise specified in these rules. An applicant may be required to submit a certified copy of his or her birth certificate. Persons under the age of eighteen (18) may be required to show evidence of active participation in a certified educational program or have a high school diploma or equivalent.

(b) The commission may grant a license to a person less than sixteen (16) years of age who is working on the association grounds for a parent or legal guardian who is licensed by the commission. An application under this subsection must be signed by the applicant's parent or legal guardian in the presence of one (1) or more stewards. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-5 Consent to investigation

Authority: IC 4-31-6-2

Affected: IC 4-31-13-4

Sec. 5. The filing of an application for license shall authorize the commission to do the following:

- (1) Investigate criminal and employment records.
- (2) Engage in interviews to determine the applicant's character and qualifications.
- (3) Verify information provided by the applicant.

(*Indiana Horse Racing Commission; 71 IAC 5.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-6 Consent to search and seizure

Authority: IC 4-31-6-2

Affected: IC 4-31-13-4

Sec. 6. By acceptance of a license, a licensee consents to search and inspection by the commission or its agents and to the seizure of any prohibited medication, controlled substances, paraphernalia, or devices in violation of state or federal law or these rules. Any seized drugs, medication, or other materials may be forwarded by the commission or its agents to the official chemist for analysis. The analysis of materials seized under the provisions of this section is not subject to 71 IAC 8.5-3. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-7 Approval or recommendations by stewards

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 7. The commission may designate categories of licenses which shall require the prior approval or recommendation of the stewards. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-8 Employer responsibility

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 8. (a) The employment or harboring of any unlicensed person at facilities under the jurisdiction of the commission is prohibited.

(b) Every employer shall report, within twenty-four (24) hours, the discharge of any licensed employee in writing to the commission or its designee, including the person's name, occupation, and reason for the discharge and shall surrender to the commission the employee's photo I.D. badge. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-9 Employer endorsement of license applications

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 9. (a) The license application of an employee shall be signed by the employer.

(b) Grooms coming in for a one-time stake race before the trainer arrives can file for a license without the trainer. However, when the trainer arrives, he or she must endorse or sign the groom's application. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-10 Workers' compensation

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 10. Licensed employers shall carry workers' compensation insurance covering their employees as required by Indiana statute. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-11 Financial responsibility

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 11. Applicants for a license may be required to submit evidence of financial responsibility and shall maintain financial responsibility during the period for which the license is issued. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-11; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-12 License refusal

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 12. The commission, the stewards, or the executive director as the commission's designee may refuse to issue a license. The decision to refuse a license is treated as a withdrawal of the license application without prejudice and is not reported to the ARCI. If an applicant is refused, the applicant may reapply for a license. If an applicant contests a license refusal, the stewards (or

an administrative law judge if the stewards are unavailable) shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, the hearing on a license refusal is not considered to be a disciplinary action. If the stewards affirm the decision to refuse a license application, the refusal shall be treated as the denial of the application, consistent with these rules. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-12; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-13 License denial

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 13. The commission, the stewards, or the executive director as the commission's designee may formally deny an application in accordance with these rules. If an applicant contests the basis of the denial of a license application not later than fifteen (15) days after notice is served, the stewards (or an administrative law judge if the stewards are unavailable) shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, a hearing challenging the denial of a license application is not considered to be a disciplinary action. An application that is denied shall be reported:

(1) in writing to the applicant stating the reasons for denial and the date when a reapplication may be submitted; and

(2) to the USTA and the ARCI, which shall then advise other racing jurisdictions.

(*Indiana Horse Racing Commission; 71 IAC 5.5-1-13; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-14 Grounds for sanctions

Authority: IC 4-31-6-2; IC 4-31-13-1

Affected: IC 4-31-6-6

Sec. 14. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, or other person, if:

(1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and

(2) any of the conditions listed in subsection (b) apply to the applicant or licensee or person.

(b) The conditions referred to in subsection (a) include, but are not limited to, the following:

(1) The person has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.

(2) The person has had a license of the legally constituted racing or gaming authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.

(3) The person is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.

(4) The person has violated or attempted to violate a provision of this article, these rules, or a law or rule with respect to horse racing in a jurisdiction.

(5) The person has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of horses or pari-mutuel wagering.

(6) The person has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting on obligations, or issuing drafts or checks that are dishonored or not paid.

(7) The applicant or licensee has made a material misrepresentation in an application for a license.

(8) The person has been convicted of a crime involving bookmaking, touting, or similar pursuits or has consorted with a person convicted of such an offense.

(9) The person has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.

(10) The person has engaged in conduct that is against the best interest of horse racing or compromises the integrity of operations at a track or satellite facility.

(11) The person has failed to comply with a written order or ruling of the commission or judges pertaining to a racing matter.

(12) The person has failed to answer correctly under oath, to the best of the person's knowledge, all questions asked by the commission or its representatives pertaining to a racing matter.

(13) The person has failed to return to a permit holder any purse money, trophies, or awards paid in error or ordered redistributed by the commission.

(14) The person has had possession of an alcoholic beverage on a permit holder's premises, other than a beverage legally sold through the permit holder's concession operation.

(15) The person has interfered with or obstructed a member of the commission, a commission employee, or a racing official while performing official duties.

(16) The name of the applicant or licensee appears on the department of state revenue's most recent tax warrant list, and the person's delinquent tax liability has not been satisfied.

(17) The person has pending criminal charges.

(18) The person has racing or gaming disciplinary charges pending in this state or other jurisdictions.

(19) The applicant or licensee is unqualified to perform the duties required.

(20) The person has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as an Indiana owned, Indiana bred, or Indiana sired.

(21) The applicant or licensee is an illegal alien.

(c) A license suspension or revocation shall be reported in writing to the applicant, the USTA, and the ARCI, whereby other racing jurisdictions shall be advised. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-14; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2891; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2416; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-15 Reciprocity

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 15. If a person is suspended, expelled, or ruled off; or if his or her license is revoked or his or her application for a license has been denied; or he or she is under any other current penalty pursuant to the rules of the racing authority of any other state or country, such person shall stand suspended, expelled, ruled off, or denied a license at all tracks and satellite facilities operating under the jurisdiction of the commission until the ruling has been withdrawn by the originating authority. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-15; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-16 License restrictions, limitations, and conditions

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 16. The commission or its designee, for cause, may restrict, limit, or place conditions on any license, including probationary status. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-16; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-17 Duration of license

Authority: IC 4-31-6-2

Affected: IC 4-31-6-4

Sec. 17. (a) All licenses expire December 31 of each year.

(b) A license is valid only under the condition that the licensee remains eligible to hold such license. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-17; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-18 Changes in application information

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 18. During the period for which a license has been issued, the licensee shall report to the commission changes in information provided on the license application, including the following:

- (1) Current legal name.
- (2) Marital status.
- (3) Permanent address.
- (4) Pending criminal complaints.
- (5) Criminal convictions.
- (6) License suspensions of ten (10) days or more.
- (7) License revocations or fines of five hundred dollars (\$500) or more in other jurisdictions.
- (8) Racing related disciplinary charges pending in other jurisdictions.

Such information shall be upon the appropriate commission form, signed by the licensee, and filed at the commission offices. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-18; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-19 Temporary licenses

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 19. (a) Temporary licenses shall only be issued to owners. A horse in a trainer's care shall not start in a race unless at least an application for a temporary license is on file with the commission. Licensed trainers may apply for a temporary license on behalf of owners for whom they train. Failure to supply the minimum information, as determined by the commission, for a temporary license is grounds for refusal. A temporary license shall be valid for no more than thirty (30) days from the date of issuance and shall automatically lapse after the thirtieth day pending completion of all licensing procedures. Upon expiration of the thirty (30) day temporary license, the owner's license will be suspended or the owner's horses shall be ineligible to race in Indiana pending completion of all licensing procedures. Completion of all owner licensing procedures will extend the owner's license to the end of the calendar year.

(b) An owner shall not be eligible to be issued more than one (1) temporary license in any calendar year. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-19; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2156; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-20 More than one license

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 20. More than one (1) license to participate in horse racing may be granted to a person except when prohibited by these rules due to a potential conflict of interest. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-20; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-21 Conflict of interest

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 21. (a) The commission or its designee shall refuse, deny, suspend, or revoke the license of a person whose spouse holds a license and which the commission or stewards find to be a conflict of interest.

(b) A commissioner, commission employee, or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.

(c) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.

(d) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as any of the following:

- (1) Racing official.

- (2) Assistant starter.
- (3) Practicing veterinarian.
- (4) Veterinary assistant.
- (5) Officer or managing employee.
- (6) Track maintenance supervisor or employee.
- (7) Outrider.
- (8) Race track security employee.
- (9) Horseshoer.
- (10) Photo finish operator.
- (11) Horsemen's bookkeeper.
- (12) Racing chemist.
- (13) Testing laboratory employee.

(Indiana Horse Racing Commission; 71 IAC 5.5-1-21; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 5.5-1-22 License presentation

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 22. (a) All licensees shall carry on their person at all times within the enclosure their assigned commission license (photo identification badge).

(b) A person shall present an appropriate license to enter a restricted area.

(c) The stewards may require visible display of a license in a restricted area.

(d) A license may only be used by the person to whom it is issued. *(Indiana Horse Racing Commission; 71 IAC 5.5-1-22; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5.5-1-23 Visitor's pass

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 23. Track security may authorize unlicensed persons temporary access to restricted areas. Such persons shall be identified and their purpose and credentials verified and approved in writing by track security. A copy of the written approval shall be filed with the commission or its designee within forty-eight (48) hours. Such authorization or credential may only be used by the person to whom it is issued. *(Indiana Horse Racing Commission; 71 IAC 5.5-1-23; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5.5-1-24 Credentials property of commission

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 24. Licensee credentials (photo identification badge) are the property of the commission and must be surrendered to the executive director, stewards, commission director of security, or their designee upon request. *(Indiana Horse Racing Commission; 71 IAC 5.5-1-24; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5.5-1-25 Safety helmets

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 25. Any person mounted on a horse or stable pony on association grounds must wear an A.S.T.A. approved safety helmet at all times. *(Indiana Horse Racing Commission; 71 IAC 5.5-1-25; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff*

Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 5.5-1-26 Safety vest

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 26. Any person mounted on a horse or stable pony on the association's racing surface must wear a safety vest at all times. The safety vest shall have a rating of a least five (5) as defined by the British Equestrian Trade Association (BETA). (*Indiana Horse Racing Commission; 71 IAC 5.5-1-26; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-27 Knowledge of rules

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 27. (a) A licensee shall be knowledgeable of these rules and, by acceptance of the license, agrees to abide by these rules. (b) A licensee shall report to track security or the stewards any knowledge the licensee has that a violation of these rules has occurred or may occur. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-27; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-28 Cooperation with investigations

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 28. (a) All licensees shall cooperate fully with all investigations and inquiries made by commission representatives or association security, or both.

(b) All licensees shall obey instructions from commission representatives or association security, or both. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-28; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-1-29 Reporting known or suspected irregularities and rule violations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 29. All licensees shall report any known or suspected irregularities, any violation of the rules of the commission, or any wrongdoings by any person immediately to the commission and cooperate in subsequent investigations. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-29; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2417; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Owners

71 IAC 5.5-2-1 Licensing requirements for owners

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) Each person who has a five percent (5%) or more ownership or beneficial interest in a horse is required to be licensed. An applicant for an owner's license can be of any age.

(b) An applicant for an owner's license shall own or lease a horse that is:

(1) eligible to race; and

(2) registered with the racing secretary.

(c) If younger than eighteen (18) years of age, an applicant for an owner's license shall submit a notarized affidavit from his

or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. In addition, the parents or legal guardians of an applicant for an owner's license under the age of eighteen (18) must be licensed as an owner.

(d) If the commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the racing secretary shall be approved by the stewards. Each owner and trainer shall comply with all licensing requirements.

(f) The commission or its designee may refuse, deny, suspend, or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a commission rule or ruling is prohibited. *(Indiana Horse Racing Commission; 71 IAC 5.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5.5-2-2 Licensing requirements for multiple owners

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. (a) If the legal owner of any horse is:

- (1) a partnership;
- (2) a corporation;
- (3) a syndicate; or
- (4) any other association or entity;

each shareholder or partner shall be licensed as required in section 1 of this rule.

(b) Each partnership, corporation, syndicate, or other association or entity shall disclose to the commission all owners holding a five percent (5%) or greater beneficial interest, unless otherwise required by the commission.

(c) Each partnership, corporation, syndicate, or other association or entity which includes an owner with less than a five percent (5%) ownership or beneficial interest shall file with the commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.

(d) To obtain an owner's license, an owner with less than a five percent (5%) ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the stewards.

(e) Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice, or order at such address shall constitute official notice to all persons involved in the ownership of such horse.

(f) The written appointment of a managing owner or authorized agent shall be filed with the commission. *(Indiana Horse Racing Commission; 71 IAC 5.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5.5-2-3 Lease agreements

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the commission is attached to the certificate of registration and on file with the commission. The lessor and lessee shall be licensed as horse owners. *(Indiana Horse Racing Commission; 71 IAC 5.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 5.5-2-4 Stable name registration

Authority: IC 4-31-6-2
Affected: IC 4-31

- Sec. 4. (a) Licensed owners and lessees may adopt a stable name subject to the approval of the commission.
(b) The applicant shall identify all persons using the stable name. Changes shall be reported immediately to the commission.
(c) A person who has registered a stable name may cancel it upon written notice to the commission.
(d) The stable name and the name of the owner shall be published in the program.
(e) All persons using a stable name shall comply with all rules regarding licensing of owners.
(f) In the event one (1) of the owners or persons listed in a registered stable is suspended, all horses shall be included. (*Indiana Horse Racing Commission; 71 IAC 5.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-2-5 Racing colors

Authority: IC 4-31-6-2
Affected: IC 4-31

- Sec. 5. (a) Owners or trainers shall provide racing colors which may be subject to the approval of the commission except at race tracks where colors are furnished by the association. Racing colors shall be registered with the racing secretary. The stewards may authorize a temporary substitution of racing colors when necessary.
(b) The racing colors to be worn by each jockey in a race shall be described in the program, and any change shall be announced to the public prior to the commencement of the race. (*Indiana Horse Racing Commission; 71 IAC 5.5-2-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Trainers

71 IAC 5.5-3-1 Eligibility

Authority: IC 4-31-6-2
Affected: IC 4-31

- Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:
(1) be at least eighteen (18) years of age; and
(2) be qualified, as determined by the stewards or other commission designee, by reason of experience, background, and knowledge of racing.
(b) A trainer's license from another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or more of the following:
(1) A written examination.
(2) An interview or oral examination.
(3) A demonstration of practical skills in a barn test.
(c) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills, administered by the stewards, prior to being licensed as a trainer. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-3-2 Trainer responsibility

Authority: IC 4-31-3-9
Affected: IC 4-31

- Sec. 2. (a) The trainer is responsible for:
(1) the condition of horses he or she trains entered in an official workout or race; and

(2) the presence of any prohibited drug, medication, or other substance, including permitted medication in excess of the maximum allowable level, in horses he or she trains; regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(b) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(c) A trainer whose horse has been claimed remains responsible for the race in which the horse is claimed. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-3-3 Other responsibilities

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A trainer is responsible for the following:

(1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.

(2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.

(3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.

(4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:

(A) name;

(B) occupation;

(C) Social Security number; and

(D) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

(5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.

(6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.

(7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.

(8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.

(9) Ensuring that, at the time of arrival at a licensed race track, each horse in his or her care is accompanied by a valid health certificate which shall be filed with the racing secretary.

(10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.

(11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.

(12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose once [*sic.*] shall note such alteration on the certificate of registration.

(13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior designated neurectomy (heel nerving) has been performed and ensuring that such fact is designated on its certificate of registration.

(14) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in his or her charge.

(15) Promptly reporting the death of any horse in his or her care on association grounds to the stewards and the commission veterinarian and compliance with 71 IAC 8.5 governing postmortem examinations.

(16) Maintaining a knowledge of the medication record and status of all horses in his or her care.

(17) Immediately reporting to the stewards and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.

(18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(19) Horses entered as to eligibility.

(20) Ensuring the fitness of a horse to perform creditably.

- (21) Ensuring that his or her horses are properly shod, bandaged, and equipped.
- (22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.
- (23) Personally attending to his or her horses in the paddock unless excused by the stewards.
- (24) Instructing the jockey to give his or her best effort during a race and that each horse shall be ridden to win.
- (25) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.
- (26) Promptly notifying the owner of a horse of a positive test performed on his or her horse indicating levels in violation of 71 IAC 8.5.
- (27) Notifying horse owners upon the revocation or suspension of his or her trainer's license.
- (28) Guard and protect all horses in his/her care.
- (29) Account for fees and services rendered on behalf of any horse in his/her care to the appropriate owner or owners.
- (30) Determine the training regimen of all horses in his/her care.
- (31) Reporting at time of entry if his or her horse will be racing with a nasal strip.
- (32) The licensure of owners and employees prior to participating on race day.

(b) Upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.

(c) No trainer shall assign any of his/her duties or responsibility to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his/her active care, custody, and supervision.

(e) No trainer shall practice his profession, except under his own name. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2856, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-3-4 Restrictions on wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. A trainer shall only be allowed to wager on his or her horse or entries to win or finish first in combination with other horses. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-3-5 Assistant trainers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the stewards. The assistant trainer shall be licensed prior to acting in such capacity on behalf of the trainer.

(b) Qualifications for obtaining an assistant trainer's license shall be prescribed by the stewards and the commission and may include those requirements prescribed in section 1 of this rule.

(c) An assistant trainer may substitute for and shall assume the same duties, responsibilities, and restrictions as imposed on the licensed trainer. In which case, the trainer shall be jointly responsible for the assistant trainer's compliance with these rules. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-3-6 Substitute trainers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) A trainer absent for more than five (5) days from his or her responsibility as a licensed trainer shall obtain another

licensed trainer to substitute.

(b) A substitute trainer shall accept responsibility for the horses and be approved by the stewards.

(c) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official race pursuant to this section. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3122, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with secretary of state June 8, 1999.]; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Jockeys

71 IAC 5.5-4-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) No person under eighteen (18) years of age shall be licensed by the commission as a jockey or apprentice jockey. However, a jockey or apprentice jockey sixteen (16) years of age or older, who has previously been licensed in another jurisdiction, may be licensed by the commission.

(b) A jockey shall pass a physical examination given within the previous twelve (12) months by a licensed physician affirming fitness to participate as a jockey. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.

(c) An applicant shall show competence by prior licensing, demonstration of a riding ability, or temporary participation in races. An applicant may be granted a provisional license to participate in a race or races, with the stewards' prior approval for each race, not to exceed five (5) races.

(d) A jockey shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding. However, a licensed owner or licensed trainer, upon approval by the stewards, may be issued a provisional jockey's license to ride his own horse or a horse registered in his care as a trainer.

(e) A person whose weight exceeds one hundred [*sic.*] (130) pounds at the time of application shall not be licensed as a jockey.

(f) A jockey shall fulfill all engagements except by permission of the stewards for good cause. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2779; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-4-2 Apprentice jockeys

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. (a) An applicant may be prohibited from riding until the stewards or the commission have sufficient opportunity (not to exceed fourteen (14) days) to verify the applicant's previous riding experience.

(b) The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performance in quarter horse racing do not apply to the conditions of an apprentice jockey license.

(c) An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

(d) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one (1) apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued.

(e) An apprentice jockey shall ride with a five (5) pound weight allowance beginning with the apprentice jockey's first mount and for one (1) full year from the date of the apprentice jockey's fifth winning mount. If after riding one (1) year from the date of the apprentice jockey's fifth winning mount, the apprentice jockey has failed to ride a total of forty (40) winners from the date of the apprentice jockey's first winning mount, the apprentice jockey shall continue to ride with a five (5) pound weight allowance for one (1) more year from the date of the apprentice jockey's fifth winning mount or until the apprentice jockey has ridden forty (40)

winners, whichever comes first.

(f) If an apprentice jockey is unable to ride for a period of seven (7) consecutive days or more after the date of the apprentice jockey's fifth winning mount because of service in national armed forces, enrollment in an institution of secondary or higher education, or because of physical disablement, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride. The apprentice jockey extension form approved by the commission shall be completed and provided to the commission. The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced on the approved form documentation verifying time lost as defined by this regulation. An apprentice may petition one (1) of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(g) The conditions set forth in section 1 of this rule shall also apply. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:09 p.m.: 21 IR 4233; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-4-3 Foreign jockeys

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. Upon making an application for a license in this jurisdiction, a jockey from a foreign country shall declare that the jockey is a holder of a valid license in the jockey's country and currently not under suspension. To facilitate this process, the jockey shall present a declaration sheet in a language recognized in this jurisdiction to the commission. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-4-4 Jockey responsibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 4. (a) A jockey shall give a best effort during a race, and each horse shall be ridden to win. A jockey shall not ease up on or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money.

(b) A jockey shall not have a valet attendant except one provided and compensated by the association.

(c) No person other than the licensed contract employer or a licensed jockey agent, may make riding arrangements for a rider, except that a jockey not represented by a jockey agent may make the jockey's own riding engagements.

(d) A jockey shall have no more than one (1) jockey agent.

(e) No revocation of a jockey agent's authority is effective until the jockey notifies the stewards in writing of the revocation of the jockey agent's authority. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-4-5 Jockey betting

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 5. A jockey shall only be allowed to wager on a race in which the jockey is riding. A jockey shall only be allowed to wager if:

(1) the owner or trainer of the horse which the jockey is riding makes the wager for the jockey;

(2) the jockey only wagers on the jockey's own mount to win or finish first in combination with other horses in multiple type wagers; and

(3) records of such wagers are kept and available for presentation upon request by the stewards.

(*Indiana Horse Racing Commission; 71 IAC 5.5-4-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

INDIANA HORSE RACING COMMISSION

71 IAC 5.5-4-6 Jockey's spouse

Authority: IC 4-31-6-2
 Affected: IC 4-31

Sec. 6. A jockey shall not compete in any race against a horse which is owned or trained by the jockey's spouse. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-4-7 Jockey mount fees

Authority: IC 4-31-6-2
 Affected: IC 4-31

Sec. 7. In the absence of a contract or special agreement, jockey mount fees shall be as follows:

Purse	Winning Mount	Second Place Mount	Third Place Mount	Losing Mount
\$499 and Under	\$27	\$19	\$17	\$21
\$500-\$599	\$30	\$20	\$17	\$21
\$600-\$699	\$36	\$22	\$17	\$21
\$700-\$999	10% of Win Purse	\$25	\$22	\$25
\$1,000-\$1,499	10% of Win Purse	\$30	\$25	\$27
\$1,000-\$1,499	10% of Win Purse	\$30	\$25	\$27
\$1,500-\$1,999	10% of Win Purse	\$35	\$36	\$33
\$2,000-\$3,499	10% of Win Purse	\$45	\$35	\$38
\$3,500-\$4,999	10% of Win Purse	\$55	\$45	\$40
\$5,000-\$9,999	10% of Win Purse	\$65	\$50	\$45
\$10,000-\$14,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$50
\$15,000-\$24,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$55
\$25,000-\$49,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$65
\$50,000-\$99,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$80
\$100,000 and Up	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$105

(*Indiana Horse Racing Commission; 71 IAC 5.5-4-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, eff Jul 1, 1995; emergency rule filed Aug 21, 2000, 2:27 p.m.: 24 IR 49; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 5. Jockey Agents

71 IAC 5.5-5-1 Eligibility

Authority: IC 4-31-6-2
 Affected: IC 4-31

Sec. 1. (a) An applicant for a license as a jockey agent shall:

- (1) provide written proof of agency with at least one (1) jockey licensed by the commission;
- (2) demonstrate to the stewards that the applicant has a contract for agency with at least one (1) jockey who has been licensed by the commission;
- (3) be qualified, as determined by the stewards or other commission designee, by reason of experience, background, and knowledge.

(b) A jockey agent's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or both of the following:

- (1) A written examination.
- (2) An interview or oral examination.

(c) Applicants not previously licensed as jockey agents shall be required to pass a written and oral examination. (*Indiana Horse Racing Commission; 71 IAC 5.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2859, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-5-2 Limit on contracts

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 2. A jockey agent may serve as agent for no more than two (2) jockeys and one (1) apprentice jockey. (*Indiana Horse Racing Commission; 71 IAC 5.5-5-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2859, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-5-3 Responsibilities

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 3. (a) A jockey agent shall not make or assist in making engagements for a jockey other than the jockeys the agent is licensed to represent.

(b) A jockey agent shall file written proof of all agencies and changes of agencies with the stewards.

(c) A jockey agent shall notify the stewards, in writing, prior to withdrawing from representation of a jockey and shall submit to the stewards a list of any unfulfilled engagements made for the jockey.

(d) All persons permitted to make riding engagements shall maintain current and accurate records of all engagements made, such records being subject to examination by the stewards at any time. (*Indiana Horse Racing Commission; 71 IAC 5.5-5-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2859, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-5-4 Prohibited areas

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 4. A jockey agent is prohibited from entering the winner's circle, racing strip, paddock, or saddling enclosure during the hours of racing, unless permitted by the stewards. (*Indiana Horse Racing Commission; 71 IAC 5.5-5-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-5-5 Agent withdrawal

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 5. (a) When a jockey agent withdraws from representation of a jockey, the jockey agent shall immediately notify the stewards and shall submit to the stewards a list of any unfulfilled engagements for the jockey.

(b) A jockey agent shall not be permitted to withdraw from the representation of any jockey unless written notice to the stewards has been provided. (*Indiana Horse Racing Commission; 71 IAC 5.5-5-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 6. Owners' Authorized Agents

71 IAC 5.5-6-1 Licenses required

Authority: IC 4-31-6-2
Affected: IC 4-31

Sec. 1. (a) An authorized agent shall obtain a license from the commission.

(b) Application for license shall be filed for each owner represented.

(c) A written instrument signed by the owner shall accompany the application and shall clearly set forth the delegated powers of the authorized agent. The owner's signature on the written instrument shall be acknowledged before a notary public.

(d) If the written instrument is a power of attorney it shall be filed with the commission and attached to the regular application form.

(e) Any changes shall be made in writing and filed as provided in subsection (c).

(f) The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the commission whereupon the license shall not be valid. (*Indiana Horse Racing Commission; 71 IAC 5.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 5.5-6-2 Powers and duties

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A licensed authorized agent may perform on behalf of the licensed owner-principal all acts as relate to racing, as specified in the agency appointment, that could be performed by the principal if such principal were present.

(b) In executing any document on behalf of the principal, the authorized agent shall clearly identify the authorized agent and the owner-principal.

(c) When an authorized agent enters a claim for the account of a principal, the name of the licensed owner for whom the claim is being made and the name of the authorized agent shall appear on the claim slip or card.

(d) Authorized agents are responsible for disclosure of the true and entire ownership of each horse for which they have authority. Any change in ownership shall be reported immediately to, and approved by, the stewards. (*Indiana Horse Racing Commission; 71 IAC 5.5-6-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 7. Horseshoers

71 IAC 5.5-7-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An applicant for a license as horseshoer shall:

(1) be at least eighteen (18) years of age; and

(2) be qualified, as determined by the stewards, by reason of experience, background, and knowledge of horseshoeing.

(b) A horseshoer's license from another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or more of the following:

(1) A written examination.

(2) An interview or oral examination.

(3) A demonstration of practical skills in horseshoeing.

(c) Applicants not previously licensed as a horseshoer shall be required to:

(1) pass a written or oral examination;

(2) demonstrate practical skills; and

(3) submit at least two (2) written statements as to the character and qualifications of the applicant.

(*Indiana Horse Racing Commission; 71 IAC 5.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 6. TYPES OF RACES

Rule 1. Claiming Races

71 IAC 6-1-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A registration certificate of current ownership, together with the application for transfer thereon duly endorsed by all registered owners, must be filed in the office of the racing secretary for all horses claimed within a reasonable time after the race from which the horse was claimed.

(b) The price allowances that govern for claiming races must be approved by the commission. Claiming prices recorded on past performance lines in the daily race program shall not include allowances.

(c) The claiming price, including any allowances, of each horse shall be printed on the official program adjacent to the horse's program number and claims shall be for the amount designated, subject to correction if printed in error.

(d) In handicap claiming races, in the event of an also eligible horse moving into the race, the also eligible horse shall take the place of the horse that it replaces provided that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap, except when the horse that is scratched is a trailing horse, in which case the also eligible horse shall take the trailing position, regardless of its handicap. In handicap claiming races with one (1) trailer, the trailer shall be determined as the fourth best post position.

(e) To be eligible to be claimed, a horse must start in the event in which it has been declared to race. For the purposes of this rule, a horse shall be deemed to have started if it is behind the gate when the field is released at the starting point by the starter.

(f) Any:

(1) licensed owner;

(2) authorized agent of a licensed owner who holds a current valid commission license; or

(3) person who has properly applied for and been granted a claiming certificate;

shall be permitted to claim any horse. Any person or authorized agent eligible to claim a horse shall be allowed access to the grounds of the association, excluding the paddock, in order to effect a claim at the designated place of making claims and to take possession of the horse claimed.

(g) Claiming certificates are valid on the day of issue and expire at the end of the race meeting for which they are granted. These certificates may be applied for at the commission's licensing office prior to post time on any day of racing. To be eligible for a claiming certificate, a person must complete the licensing process as an owner under 71 IAC 5 and pay the appropriate fees. The photo identification badge shall be withheld until the person becomes a successful claimant. (*Indiana Horse Racing Commission; 71 IAC 6-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 6-1-2 Prohibitions on claims

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A person shall not:

(1) claim, directly or indirectly, his or her own horse or a horse trained or driven by him or her; or

(2) cause such horse to be claimed directly or indirectly for his or her own account.

(b) A person shall not directly or indirectly:

(1) offer to claim or not to claim;

(2) enter into an agreement to claim or not to claim; or

(3) attempt to prevent another person from claiming; any horse in a claiming race.

(c) A person shall not have more than one (1) claim on any one (1) horse in any claiming race. However, owners utilizing the same trainer may claim different horses from the same race.

(d) A person shall not claim more than one (1) horse in a race. However, owners utilizing the same trainer may claim different horses from the same race.

(e) A person shall not directly or indirectly conspire to protect a horse from being claimed by arranging another person to lodge claims, a procedure known as protection claims. (*Indiana Horse Racing Commission; 71 IAC 6-1-2; emergency rule filed Feb 10,*

1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536)

71 IAC 6-1-3 Claiming procedure

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A person desiring to claim a horse must have the required amount of money on deposit with the horsemen's bookkeeper or clerk of course at the time the completed claim form is deposited.

(b) The claimant shall provide all information required on the claim form provided by the association.

(c) The claim form shall be completed and signed by the claimant prior to placing it in an envelope provided for this purpose by the association and approved by the commission. The claimant shall seal the envelope and identify on the outside the date, race number, and track name only.

(d) The envelope shall be delivered to the designated area or licensed delegate at least thirty (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received.

(e) The claim shall be examined by the judges prior to the start of the race. The association's designee shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. No official shall give any information on claims filed until after the race.

(f) It shall be the responsibility of the association to ensure that all such claim envelopes are delivered unopened or otherwise undisturbed to the judges prior to the race from which the claim is being made. The association shall provide for an agent who shall, immediately after closing, deliver the claim box to the judges' stand.

(g) The judges shall disallow any claim made on a form or in a manner which fails to comply with all requirements of this rule.

(h) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of:

(1) a photostatic copy of the check presented;

(2) written detailed information to include:

(A) the name of the claimant;

(B) the bank;

(C) the branch;

(D) the account number; and

(E) the drawer of any checks; or

(3) details of any other method of payment.

This documentation is to be kept on file at race tracks for twelve (12) months and is to be produced to the commission for inspection at any time during the twelve (12) month period.

(i) When a claim has been submitted, it is irrevocable and is at the risk of the claimant.

(j) In the event more than one (1) claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

(k) Upon determining that a claim is valid, the judges shall notify the paddock judge of:

(1) the name of the horse claimed;

(2) the name of the claimant; and

(3) the name of the person to whom the horse is to be delivered.

Also, the judges shall cause a public announcement to be made.

(l) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race.

(m) A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation.

(n) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the

horse, until delivery is made.

(o) A claimed horse shall not:

- (1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;
- (2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or
- (3) be sold or transferred to anyone;

for a period of thirty (30) days, unless reclaimed out of another claiming race.

(p) The claiming price shall be paid to the owner of the horse at the time entry for the race from which the horse was claimed only when the judges are satisfied that the successful claim is valid and the registration has been received by the racing secretary for transfer to the new owner.

(q) The judges, at the option of the claimant, shall rule a claim invalid if the horse has been found ineligible to the race from which it was claimed.

(r) Mares and fillies who are in foal are ineligible for claiming races. Upon receipt of the horse, if a claimant determines within forty-eight (48) hours that a claimed filly or mare is in foal, he or she may, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(s) If a claimant demonstrates that the sex of the horse is other than reported in the official racing program, he or she may, within forty-eight (48) hours of the claim, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed. The judge shall rule the claim of the returned horse invalid.

(t) When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

- (1) the amount of the claiming price and any other required fees and taxes shall be repaid to the claimant;
 - (2) any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall be the property of the claimant; and
 - (3) the claimant shall be responsible for any reasonable costs incurred through the care, training, or racing of the horse while it was in his or her possession.
- (u) No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier to occur of:
- (1) a period of thirty (30) days; or
 - (2) the conclusion of the race meeting from which it was claimed;

without the permission of the judges. (*Indiana Horse Racing Commission; 71 IAC 6-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Types of Races Permitted

71 IAC 6-2-1 Types of races permitted

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. In presenting a program of racing, the racing secretary shall use exclusively the following types of races:

- (1) Overnight events which include:
 - (A) conditioned races;
 - (B) claiming races;
 - (C) preferred, invitational, handicap, open, or free-for-all races;
 - (D) schooling races; and
 - (E) matinee races.
- (2) Added money events which include:
 - (A) stakes;
 - (B) futurities;
 - (C) early closing events; and
 - (D) late closing events.

- (3) Match races.
- (4) Qualifying races.

(Indiana Horse Racing Commission; 71 IAC 6-2-1; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2908; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 3. Overnight Events

71 IAC 6-3-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) For the purpose of this rule, overnight events shall include conditioned, claiming, preferred, invitational, handicap, open, free-for-all, schooling, or matinee races, or a combination thereof.

(b) At extended meetings, condition sheets must be available to participants at least twenty-four (24) hours prior to closing declarations to any race program contained therein. At other meetings, conditions must be posted and available to participants at least eighteen (18) hours prior to closing declarations.

(c) A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race.

(d) Substitute races may be provided for each race program and shall be so designated in condition books sheets. A substitute race may be used when a regularly scheduled race fails to fill.

(e) Regularly scheduled races or substitute races may be divided where necessary to fill a program of racing, or may be divided and carried over to a subsequent racing program, subject to the following:

(1) No such divisions shall be used in the place of regularly scheduled races which fill.

(2) Where races are divided in order to fill a program, starters for each division must be determined by lot after preference has been applied, unless the conditions provide for divisions based upon age, performance, earnings, or sex.

(3) Where necessary to fill a card, not more than one (1) race per day may be divided into not more than two (2) divisions after preference has been applied. The divisions may be selected by the racing secretary. For all other overnight races that are divided, the division must be by lot unless the conditions provide for a division based on performance, earnings, or sex.

(Indiana Horse Racing Commission; 71 IAC 6-3-1; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2908; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 6-3-2 Conditions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Conditions may be based only on any one (1) or more combinations of the following qualifications:

(1) A horse's money winnings in a specified number of previous races or during a specified previous time.

(2) A horse's finishing position in a specified number of previous races or during a specified period of time.

(3) Age.

(4) Sex.

(5) The number of starts during a specified period of time.

(6) Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.

(7) The exclusion of schooling races.

(b) Conditions shall not be written in such a way that any horse is deprived of an opportunity to race in a normal preference cycle. Where the word preference is used in a condition, it shall not supersede date preference as provided in these rules. Not more than three (3) also eligible conditions shall be used in writing the conditions for overnight events.

(c) The commission may, upon application from the racing secretary, approve conditions other than those listed in this section for special events.

(d) In the event there are conflicting published conditions and neither one nor the other is withdrawn by the association, the one more favorable to the declarer shall govern.

(e) For the purpose of eligibility, a racing season or racing year shall be the calendar year. All races based on winnings will

be programmed nonwinners of a specified dollar amount or winners over a specified dollar amount. Additional conditions may be added. When recording winnings, gross winnings shall be used and cents shall be disregarded.

(f) Records and time bars shall not be used as a condition of eligibility.

(g) Horses must be eligible when declarations close subject to the following provisions:

(1) Wins and winnings on or after the closing date of declarations shall not be considered.

(2) Age allowances shall be given according to the age of the horse on the date the race is contested.

(3) In mixed races, trotting, and pacing, a horse must be eligible under the conditions for the gait at which it is stated in the declaration the horse will perform.

(h) When conditions refer to previous performances, those performances shall only include those in a purse race. Each dash or heat shall be considered as a separate performance for the purpose of condition races.

(i) No more than four (4) trailers shall be permitted, regardless of the size of the track, except with the approval of the commission. At least eight (8) feet per horse must be provided the starters in the front tier.

(j) The racing secretary may reject the declaration to an overnight event of any horse whose past performance indicates that it would be below the competitive level of other horses declared to that particular event. (*Indiana Horse Racing Commission; 71 IAC 6-3-2; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2909; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1669, eff Feb 24, 2000; errata filed Mar 2, 2000, 4:06 p.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Added Money Events

71 IAC 6-4-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) For the purpose of this rule, added money events include stakes, futurities, early closing events, and late closing events.

(b) All sponsors and presenters of added money events must comply with these rules and must submit to the commission the conditions and other information pertaining to such events.

(c) Any conditions contrary to the provisions of any of these rules are prohibited. (*Indiana Horse Racing Commission; 71 IAC 6-4-1; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2910; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 6-4-2 Conditions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Conditions for added money events must specify the following:

(1) Which horses are eligible to be nominated.

(2) The amount to be added to the purse by the sponsor or presenter, should the amount be known at the time.

(3) The dates and amounts of nomination, sustaining, and starting payments.

(4) Whether the event will be raced in divisions or conducted in elimination heats.

(5) The distribution of the purse, in percent, to the money winners in each heat or dash, and the distribution should the number of starters be less than the number of premiums advertised.

(6) Whether also eligible horses may be carded prior to the running heats or legs of added money events.

(*Indiana Horse Racing Commission; 71 IAC 6-4-2; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2910; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 6-4-3 Requirements of sponsors and presenters

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) Sponsors or presenters of stakes, futurities, or early closing events shall provide a list of nominations to each nominator or owner and to the associations concerned within sixty (60) days after the date on which nominations close, other than

for nominations payable prior to January 1 of a horse's two (2) year-old year.

(b) In the case of nominations for futurities payable during the foaling year, such lists must be forwarded out prior to October 15 of that year and, in the case of nominations payable in the yearling year, such lists must be forwarded out not later than September 1 of that year.

(c) Sponsors or presenters of stakes, futurities, or early closing events shall also provide a list of horses remaining eligible to each owner of an eligible within forty-five (45) days after the date on which sustaining payments are payable. All lists shall include a resume of the current financial status of the event.

(d) The commission may require the sponsor or presenter to file with the commission a surety bond in the amount of the fund to ensure faithful performance of the conditions, including a guarantee that the event will be raced as advertised, all funds will be segregated, and all premiums paid. Commission consent must be obtained to transfer or change the date of the event or to alter the conditions. In any instance where a sponsor or presenter furnishes the commission with substantial evidence of financial responsibility satisfactory to the commission, such evidence may be accepted in lieu of a surety bond. (*Indiana Horse Racing Commission; 71 IAC 6-4-3; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2910; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 6-4-4 Nominations, fees, and purses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) All nominations to added money events must be made in accordance with the conditions.

(b) Dates for added money event nominations payment are as follows:

(1) For stakes, the date for closing of nominations on yearlings shall be May 15. The date for closing of nominations to all other stakes shall fall on the fifteenth day of a month.

(2) For futurities, the date for closing of nominations shall be July 15 of the year of foaling.

(3) For early closing events, the date for closing of nominations shall fall on the first or fifteenth day of a month. Nominations on two (2) year-olds shall not be taken prior to February 15.

(4) For late closing events, the date for closing of nominations shall be at the discretion of the sponsor or presenter.

(c) Dates for added money event sustaining payments are as follows:

(1) For stakes and futurities, sustaining payments shall fall on the fifteenth day of a month. No stake or futurity sustaining fee shall become due prior to March 15 of the year in which the horses nominated become two (2) years of age.

(2) For early and late closing events, sustaining payments shall fall on the first or fifteenth day of a month.

(d) The starting fee shall become due when a horse is properly declared to start and shall be payable in accordance with the conditions of the added money event. Once a horse has been properly declared to start, the starting fee shall be forfeited, whether or not the horse starts. Should payment not be made thirty (30) minutes before the post time of the event, the horse may be scratched and the payment shall become a liability of the owner who shall, together with the horse or horses, be suspended until payment is made in full, provided the association notifies the commission within thirty (30) days after the starting date.

(e) Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event.

(f) Conditions that will eliminate horses nominated to an event, or add horses that have not been nominated to an event by reason of performance of such horses at an earlier meeting, are invalid. Early and late closing events shall have not more than two (2) also eligible conditions.

(g) The date and place where early and late closing events will be raced must be announced before nominations are taken. The date and place where stakes and futurities will be raced must be announced as soon as determined but, in any event, such announcement must be made no later than March 30 of the year in which the event is to be raced.

(h) Deductions may not be made from nomination, sustaining, and starting payments or from the advertised purse for clerical or any other expenses.

(i) Every nomination shall constitute an agreement by the person making the nomination and the horse shall be subject to these rules. All disputes and questions arising out of such nomination shall be submitted to the commission, whose decision shall be final.

(j) Nominations and sustaining payments must be received by the sponsor or presenter not later than the hour of closing, except those made by mail must bear a postmark placed thereon not later than the hour of closing. In the event the hour of closing falls on a Saturday, Sunday, or legal holiday, the hour of closing shall be extended to the same hour of the next business day. The hour of closing shall be midnight of the due date.

(k) If conditions require a minimum number of nominations and the event does not fill, the commission and each nominator shall be notified within twenty (20) days of the closing of nominations and a refund of nomination fees shall accompany such notice to nominators.

(l) If conditions for early or late closing events allow transfer for change of gait, such transfer shall be to the lowest class the horse is eligible to at the adopted gait, eligibility to be determined at the time of closing nominations. The race to which the transfer may be made must be the one nearest the date of the event originally nominated to. Two (2) year-olds, three (3) year-olds, or four (4) year-olds, nominated in classes for their age, may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event they were originally nominated to, and entry fees to be adjusted.

(m) A nominator is required to guarantee the identity and eligibility of nominations, and, if this information is given incorrectly, he or she may be fined, suspended, or expelled and the horse declared ineligible. If any purse money was obtained by an ineligible horse, the monies shall be forfeited and redistributed among those justly entitled to the same.

(n) Early or late closing finals must be contested if five (5) or more horses are declared to start unless otherwise specified in the race conditions of the early closing or late closing event. If fewer horses are declared to start than required, the race may be declared off, in which case the total of nominations, sustaining, and starting payments received shall be divided equally to the horses declared to start. Such distribution shall not be credited as purse winnings.

(o) Stakes or futurities must be contested if one (1) or more horses are declared to start. In the event only one (1) horse or only horses in the same interest start, it constitutes a walk-over. In the event no declarations are made, the total of nomination and sustaining payments shall be divided equally to the horses remaining eligible after payment to the last sustaining payment, but such distribution shall not be credited as purse winnings.

(p) Associations shall provide stable space for each horse declared on the day before, the day of, and the day following the race.

(q) In the event more horses are declared to start than allowed in one (1) field, the race will be conducted in divisions or eliminations, as specified in the conditions.

(r) In early closing races, late closing races, and overnight races requiring entry fees, all monies paid in by the nominators in excess of eighty-five percent (85%) of the advertised purse shall be added to the advertised purse and the total shall then be considered to be the minimum purse. If the race is split and raced in divisions, the provisions of subsection (s) shall apply. Where overnight races are split and raced in eliminations rather than divisions, all starting fees payable under the provisions of this rule shall be added to the advertised purse.

(s) Where a race other than a stake or futurity is divided, each division must race for at least seventy-five percent (75%) of the advertised purse.

(t) In added money events conducted in eliminations, starters shall be divided by lot. Unless conditions provide otherwise, sixty percent (60%) of the total purse will be divided equally among the elimination heats. The final heat will be contested for forty percent (40%) of the total purse. Unless the conditions provide otherwise, all elimination heats and the final heat must be raced on the same day. If the conditions provide otherwise, elimination heats must be contested no more than six (6) days, excluding Sundays, prior to the date of the final heat. The winner of the final heat shall be the winner of the race.

(u) The number of horses allowed to qualify for the final heat of an event conducted in elimination heats shall not exceed the maximum number permitted to start in accordance with these rules.

(v) The judges' decisions in arriving at the official order of finish of elimination heats on the same program shall be final and irrevocable and not subject to appeal or protest. (*Indiana Horse Racing Commission; 71 IAC 6-4-4; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2910; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2402; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3126, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2103; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 6.5. FLAT RACING; CLAIMING RACES

Rule 1. Claiming Races

71 IAC 6.5-1-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A person entering a horse in a claiming race warrants that the title to the horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering the horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for the horse.

(b) Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the starting gate and is declared an official starter. The successful claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured at any time, during the race or after. However, the successful claimant may request on the claim blank at the time the successful claimant makes the claim that the horse be tested for the presence of equine infectious anemia via a Coggins test, or other test as approved by the official veterinarian. Should this test prove positive, it shall be cause for voiding the claim. The expense of the test and the maintenance of the horse during the period requested for the test shall be the responsibility of the successful claimant, unless the test proves positive, wherein the owner or owners of the horse at the time of entry shall be responsible.

(c) An in-foal filly or mare shall be eligible to be entered into a claiming race only if all of the following conditions are fulfilled:

(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in the racing secretary's office.

(2) The stallion service certificate has been deposited with the racing secretary's office.

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.

(4) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

(d) The stewards may set aside and order rescission of a claim for any horse from a claiming race run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in section 4 of this rule, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of these rules. Should the stewards order a rescission of a claim, they may make a further order for the costs of maintenance and care of the horse as they may deem appropriate. *(Indiana Horse Racing Commission; 71 IAC 6.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 6.5-1-2 Claiming of horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Any horse starting in a claiming race is subject to be claimed for its entered price by any:

(1) licensed owner; or

(2) holder of a valid claim certificate; or

(3) licensed authorized agent acting on behalf of an eligible claimant.

(b) Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant at the time the horse leaves the starting gate. The successful claimant shall become the owner of the horse, regardless of whether it is alive or dead, sound or unsound, or injured prior to, during, or after the race. *(Indiana Horse Racing Commission; 71 IAC 6.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 6.5-1-3 Claim certificate

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) An applicant for a claim certificate shall submit to the commission:

- (1) an application for an owner's license and the required fee; and
- (2) the name of a licensed trainer, or person eligible to be a licensed trainer, who will assume the care and responsibility for any horse claimed.
- (b) The stewards shall issue a claim certificate upon satisfactory evidence that the applicant is eligible for an owner's license.
- (c) The claim certificate shall expire thirty (30) days after the date of issuance, or upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.
- (d) A claim certificate may be renewed by the stewards during the same year. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 6.5-1-4 Prohibitions

Authority: IC 4-31-3-9
Affected: IC 4-31

- Sec. 4. (a) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.
- (b) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.
 - (c) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.
 - (d) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.
 - (e) A person shall not file a claim more than one (1) horse in a race or file more than one (1) claim for the same horse.
 - (f) A horse claimed in this jurisdiction shall not race outside Indiana until after the conclusion of the race meet without the permission of the stewards.
 - (g) The association shall ensure the claim box is locked. The association shall unlock the claim box only after the deadline for claiming a horse has passed. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 6.5-1-5 Procedures for claiming

Authority: IC 4-31-3-9
Affected: IC 4-31

- Sec. 5. (a) To make a valid claim for a horse, an eligible person shall:
- (1) have on deposit with the horsemen's bookkeeper, prior to filing the claim, an amount equal to the amount of the claim, plus all transfer fees and applicable taxes;
 - (2) complete a written claim on a form furnished by the association and approved by the commission;
 - (3) identify the horse to be claimed by the spelling of its name on the certificate of registration or as spelled on the official program;
 - (4) place the completed claim form inside a sealed envelope furnished by the association and approved by the commission;
 - (5) have the time of day that the claim is entered recorded on the envelope; and
 - (6) have the envelope deposited in the claim box no later than fifteen (15) minutes prior to post time of the race for which the claim is entered.
- (b) After a claim has been deposited in the claim box, it is irrevocable by the claimant and shall not be withdrawn from the claim box until the time designated by the stewards.
- (c) Officials and employees of the association shall not provide any information as to the filing of claims until after the race has been run, except as is necessary for processing of the claim.
- (d) If more than one (1) claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their representatives.

(e) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff. Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 6.5-1-6 Transfer of claimed horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Upon successful claim, the stewards shall issue, upon forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the stewards and the racing secretary. Upon notification by the stewards, the horsemen's bookkeeper shall immediately debit the claimant's account for the claiming price, applicable taxes, and transfer fees. No claimed horse shall be delivered by the original owner to the successful claimant until authorized by the stewards.

(b) A person shall not refuse to deliver a properly claimed horse to the successful claimant.

(c) Transfer of possession of a claimed horse shall take place immediately after the race has been run. If the horse is required to be taken to the detention barn for post-race testing, the successful claimant or the successful claimant's representative shall maintain physical custody of the claimed horse. However, the original trainer or the original trainer's representative shall accompany the horse, observe the testing procedure, and sign the test sample tag.

(d) When a horse is claimed out of a claiming race, the horse's engagements are transferred with the horse to the claimant.

(e) Ownership interest in any horse claimed from a race shall not be resold or transferred back to the original owner for thirty (30) days after such horse was claimed, except by claim from a subsequent race.

(f) A claimed horse shall not remain in the same stable or under the control or management of its former owner. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff. Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 7. RULES OF THE RACE

Rule 1. Entries and Scratches

71 IAC 7-1-1 Taking entries and the draw

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The racing secretary shall prepare the books or sheets of conditions for the races to be conducted during the meeting and he or she and his or her assistants shall take entries for all races. The racing secretary shall assign preference for each entry and prepare the races for the drawing of post positions. Post positions shall be drawn by lot by the judges or their designee. The number drawn shall be the post position for the race. (*Indiana Horse Racing Commission; 71 IAC 7-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-2 Entry licensing requirements

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. No horse may be permitted to race in this state unless the owner, trainer, and driver have been granted a current license by the commission or have made application for a license accompanied by the proper fee as prescribed in these rules and which application has not been rejected. (*Indiana Horse Racing Commission; 71 IAC 7-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-3 Entry void

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. If a person is suspended, ruled off, expelled, or had his or her license revoked or denied, he or she shall not be qualified, as agent or otherwise, to declare for a race, to enter or to race any horse for himself or herself or anyone else, and no horse which he or she owns wholly or in part, or which is under his or her care, management, training, or supervision shall be qualified to race in any race. Such entry, if received, shall be void, and if an entry fee accompanies it, the fee shall be refunded. (*Indiana Horse Racing Commission; 71 IAC 7-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-4 Entry in name of all owners and proof of ownership

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. (a) Every entry must be in the name of a person having an ownership interest in the horse and must be made in writing by such owner, his or her trainer, or by the authorized agent of either. The full name of every person having any ownership in a horse or any interest in its winnings must be recorded with the racing secretary before the horse starts at any meeting.

(b) The judges may call upon any person making entry to prove the extent of his or her interest in the horse or its winnings or to give proof that the horse entered is not the property, wholly or in part, of any person who is disqualified. If unsatisfied with the proof tendered, the judges may declare the horse out of the race.

(c) The judges may penalize any failure to comply with this rule and may disqualify any horse which races after being entered in violation of this rule. (*Indiana Horse Racing Commission; 71 IAC 7-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-5 No change permitted

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. (a) The conditions for eligibility to a race may not be changed once entries are taken except that an error may be corrected with the consent of the judges.

(b) No change in trainers of a horse, entered and drawn to start, will be permitted. In the event of such change, the horse will be scratched and the parties responsible therefore shall be subject to fine or suspension. A change in ownership may be permitted with the approval of the judges.

(c) No owner shall list as the trainer of a horse a person who is not in fact the trainer of such horse, and no trainer shall allow his or her name to be shown on the declaration form nor the official program as trainer of a horse which he or she does not in fact have under his or her care and supervision as trainer of the horse. The judges may require proof that a person listed as the trainer of a horse is in fact the actual trainer of that horse. (*Indiana Horse Racing Commission; 71 IAC 7-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2077; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2006; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-6 No entry fee

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. Unless the conditions of the race so provide, there shall be no entry fee to any race. If the conditions require an entry fee, it shall accompany the entry unless otherwise specified. (*Indiana Horse Racing Commission; 71 IAC 7-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-7 Entries refused

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. The entries of any person or the transfer of any entry may be refused without notice by the judges with good cause. (*Indiana Horse Racing Commission; 71 IAC 7-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-8 Approval of entries

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. (a) No entry shall be accepted for any horse not stabled on the grounds of the permit holder unless its stabling elsewhere has been approved by the permit holder.

(b) Entries can be taken from tracks and private and public stabling facilities approved by the permit holder. (*Indiana Horse Racing Commission; 71 IAC 7-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-9 Registration with USTA or CTA

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. No horse may be started in any race or qualifying race unless it is registered with the USTA or Canadian Standardbred Horse Society. (*Indiana Horse Racing Commission; 71 IAC 7-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2104; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-10 Identification of horse

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 10. When a horse is entered, it must be clearly identified by statement of its:

- (1) name;
- (2) age;
- (3) color;
- (4) sex; and
- (5) the names of its sire and dam.

(*Indiana Horse Racing Commission; 71 IAC 7-1-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3128, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2105; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-11 Proof of identity

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 11. (a) No horse may start in any race unless it is fully identified. The burden of proving identity rests with the person or persons having charge of the horse at the meeting and the judges may suspend and refer to the commission such persons in case of fraud or attempted fraud. The judges also may suspend and refer to the commission any other person who aids in any way in the perpetration of a fraud or who participates in any attempt at fraud.

(b) No horse shall be allowed to race in a race or in a qualifying race unless it has been lip-tattooed or freeze brand recognized

by the USTA. (*Indiana Horse Racing Commission; 71 IAC 7-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-12 Receive entry fees

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) The racing secretary shall receive all stakes, entrance money, and other monies that properly can come to his or her office. At his or her discretion the racing secretary may receive monies due other associations as fees or forfeits, forwarding them promptly to the association to which same is due.

(b) The racing secretary, or other designated association employee, shall maintain any audit trail of all monies received.

(c) Monies shall be used only for the intended purpose. (*Indiana Horse Racing Commission; 71 IAC 7-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2912; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-13 Coupled entries

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) Two (2) or more horses which are entered in a race shall be joined as a mutuel entry and single betting interest if they are owned or leased in whole or in part by the same owner or are trained by a trainer who owns or leases any interest in any of the other horses in the race. The association, with the permission of the judges, may uncouple horses trained by the same trainer but owned entirely by different owners, provided that the trainer does not hold an ownership interest in either horse. The uncoupling of such horses shall be prohibited in trifecta races.

(b) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race. Under no circumstances may both horses of a coupled entry start to the exclusion of a single entry. When making a coupled entry, a preference for one (1) of the horses must be made. (*Indiana Horse Racing Commission; 71 IAC 7-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-14 Eligibility of entries

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 14. (a) In harness racing, a horse must be eligible to start at time of entry.

(b) If conditions published for early closing events allow transfer for change of gait, such transfer shall be to the slowest class of the adopted gait for which the horse is eligible. Eligibility shall be determined at the time of closing of entries. The race to which transfer may be made must be the one nearest the date of the event originally entered.

(c) Two (2) year olds, three (3) year olds, or four (4) year olds entered in classes for their age may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event originally entered. Entry fees may be adjusted. (*Indiana Horse Racing Commission; 71 IAC 7-1-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-15 Horses ineligible to be entered

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. An owner or trainer shall not enter or start a horse that:

(1) has not been qualified or is on the judge's list;

(2) is wearing a trachea tube or has a hole in its throat for a trachea tube;

(3) has been nerved; or

(4) has impaired eyesight in both eyes.

(Indiana Horse Racing Commission; 71 IAC 7-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-1-16 Engagement passed to new owner

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 16. (a) When a horse is sold, its engagements pass to the new owner unless otherwise specified in the terms of the sale. When a horse is claimed out of a claiming or optional claiming race, its engagements pass to the claimant. In no case, however, shall the engagements pass with the horse to a person not in good standing.

(b) No horse owned in whole or in part by a non-Indiana resident shall race in a restricted race as Indiana owned, regardless of its status at the time of registration, nomination, or entry.

(c) Except in cases of horses claimed out of claiming races, no sale of a horse by private agreement or public auction will be recognized if such sale is not evidenced by a bill of sale. *(Indiana Horse Racing Commission; 71 IAC 7-1-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-17 Ban on dealing in horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 17. No commission employee or racing official or their assistants shall participate financially, directly or indirectly, in the purchase or sale of any horse which races at such meeting. Any person violating this section shall be suspended by the judges and the matter referred to the commission. *(Indiana Horse Racing Commission; 71 IAC 7-1-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1500; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-18 Racing entries

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 18. (a) The racing secretary shall receive entries and declarations for all races. In the absence of notice to the contrary, nominations to any stakes closing on the eve of or during a meeting shall be received by the racing secretary.

(b) All entries must:

(1) be made in writing;

(2) be signed by the owner or his or her authorized agent except as provided in section 29(e) of this rule;

(3) give the name and address of both the bona fide owner and agent or registered stable name or lessee;

(4) give the name, age, color, sex, sire, and dam of horse; and

(5) comply with the provisions of section 10 of this rule and, for claiming events, the current registration certificate must be on file with the racing secretary. A separate claiming authorization form, signed by the registered owner or owners indicating the minimum amount for which the horse may be entered to be claimed shall be filed with the racing secretary.

(Indiana Horse Racing Commission; 71 IAC 7-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2105; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-1-19 Declarations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 19. Declarations shall be taken not more than four (4) days in advance for all races except those for which qualifying dashes are provided, unless otherwise approved by the judges. (*Indiana Horse Racing Commission; 71 IAC 7-1-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-20 Elimination heats; divisions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 20. (a) A permit holder must specify how many entries are required for overnight events and, after the condition is fulfilled, the event must be contested except when declared off as provided under section 31 of this rule. Requirements to start a race shall be as follows:

(1) In early closing events or late closing events, if five (5) or more horses are declared in to start, the race must be contested unless otherwise specified in the race conditions of the early closing or late closing event.

(2) A permit holder may require five (5) betting interests to start. Stakes and futurities must be raced if one (1) or more horses are declared in to start.

(3) In an early closing event, if fewer horses are declared in than are required to start, and all declares are immediately so notified, the horse or horses declared in and ready to race shall be entitled to all the entrance money and any forfeits from each horse named.

(b) Requirements for elimination heats or two (2) divisions are at the racing secretary's discretion unless specified in the conditions. Where a race other than a stake or futurity is divided, each division must race for at least seventy-five percent (75%) of the advertised purse.

(c) Requirements for elimination plans shall be as follows:

(1) Whenever elimination heats are required, or specified in the published conditions, such race shall be raced in the following manner unless conducted under another section of this rule:

(A) The field shall be divided by lot, and the first division shall race a qualifying dash for thirty percent (30%) of the purse.

(B) The second division shall race a qualifying dash for thirty percent (30%) of the purse and the horses so qualified shall race in the main event for forty percent (40%) of the purse.

(C) The winner of the main event shall be the race winner.

(2) In the event there are more horses declared to start than can be accommodated by the two (2) elimination dashes, then there will be added enough elimination dashes to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into sixty (60). The main event will race for forty percent (40%) of the purse.

(3) Unless the conditions provide otherwise, if there are two (2) elimination dashes, the first four (4) finishers in each dash qualify for the final. If three (3) or more elimination dashes are required, not more than three (3) horses will qualify for the final from each qualifying dash.

(4) The judges shall draw positions in which the horses are to start in the main event to determine:

(A) which of the two (2) dash winners shall have the pole, and which the second position;

(B) which of the two (2) horses that have been second will start in third position; and

(C) which of the two (2) horses that have been third will start in fourth position;

and continue in this pattern until all horses have been drawn. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night, unless special provisions for earlier elimination dashes are set forth in the conditions.

(5) In the event there are three (3) separate heat or dash winners and they alone come back in order to determine the race winner according to the conditions, they will take post positions according to the order of their finish in the previous heat or dash.

(d) Where elimination races are provided in the conditions of an early closing event, stake, or futurity, such elimination race must be held not more than five (5) days prior to contesting the main event (excluding Sunday) and omitting the day of the race. (*Indiana Horse Racing Commission; 71 IAC 7-1-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1154; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3128, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed*

with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2105; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-1-21 Overnight list

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 21. The racing secretary shall compile and distribute daily an overnight list which shall include, but not be limited to, the names of entries with their post positions. *(Indiana Horse Racing Commission; 71 IAC 7-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-22 Must be starter

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 22. Every horse entered and drawn for a race must be a starter unless it is scratched or ordered withdrawn by the judges. *(Indiana Horse Racing Commission; 71 IAC 7-1-22; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-23 All monies must be paid (Repealed)

Sec. 23. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2112)*

71 IAC 7-1-24 Not a claiming race

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 24. Any race conditioned to preclude claim of any of the starters shall not be considered a claiming race even if won by a horse liable to claim under the conditions. *(Indiana Horse Racing Commission; 71 IAC 7-1-24; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-25 Automatically out

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 25. For stake races, if a horse is not named through the entry box at the designated time of closing, the horse is automatically out. *(Indiana Horse Racing Commission; 71 IAC 7-1-25; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-26 Notice in writing

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 26. No horse shall be considered scratched from a race for lameness or sickness until a scratch slip, signed by a veterinarian, is presented to the judges and approved. Veterinarians shall report medical scratches to the judges immediately after diagnosis. *(Indiana Horse Racing Commission; 71 IAC 7-1-26; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536)*

71 IAC 7-1-27 Scratch irrevocable

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 27. A scratch of a horse out of a race is irrevocable. (*Indiana Horse Racing Commission; 71 IAC 7-1-27; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-28 Qualifying races

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 28. Declarations for qualifying races shall be governed by the following:

- (1) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the judges and acquire at least one (1) charted line within the qualifying standards of the track.
- (2) A horse that does not show a charted line within its last six (6) starts must go a qualifying race within the time standards of the track.
- (3) A horse that does not meet the time qualifying standards in one (1) of its last two (2) starts must qualify.
- (4) Horses racing with or without hobbles for the first time must qualify.
- (5) When a horse is used for the sole purpose of qualifying a driver, that horse must go in qualifying time or be placed on the list to requalify, and the race must be charted.
- (6) If a horse takes a win record in a qualifying race, that record must be prefaced with a "Q". The record will not be considered official unless the horse is post race tested (urine and blood).
- (7) The judges may permit free-for-all or invitational class horses to go a timed workout consistent with the time it will race in competition in place of a qualifying race.

(*Indiana Horse Racing Commission; 71 IAC 7-1-28; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536*)

71 IAC 7-1-29 Declaration to start and drawing horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 29. (a) The permit holder shall provide a locked box with an aperture through which declarations shall be deposited. With the approval of the judges, the racing secretary or his designee may open the entry box.

(b) No owner, trainer, or agent for a horse with a declaration in the entry box shall be denied the privilege of being present when the box is open.

(c) The racing secretary responsibilities shall include:

- (1) all entries shall be listed;
- (2) the eligibility verified;
- (3) preference ascertained; and
- (4) starters selected.

(d) If it is necessary to reopen any race, public announcement shall be made at least twice.

(e) The judges shall conduct the draw for post positions along with a representative of the horsemen.

(f) Declarations by mail, telegraph, or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone, and telegraph declarations must contain all information required by the racing secretary. It shall be the responsibility of the racing secretary to see that such entries are signed by the person receiving such entries.

(g) When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(h) After declarations to start have been made, no horse shall be withdrawn from the race except by permission of the judges. A fine or suspension, or both, shall be imposed for drawing a horse without permission, and the penalty shall apply to both the horse and the party who violates this rule.

(i) In all races, drawings shall be final unless there is conclusive evidence that an entry was timely received by the racing office and was omitted from the race through the error of the association, the commission, or its agents or employees in which event the race shall be redrawn, provided the error is discovered prior to scratch time.

(j) Declarations shall state who shall drive the horse. Drivers may be changed until scratch time. (*Indiana Horse Racing Commission; 71 IAC 7-1-29; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1156; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3129, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2106; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-30 Also eligible list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 30. (a) Not more than two (2) horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one (1) or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races, the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. In races with one (1) trailer, the trailing position shall be the fourth best post position. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list can only be withdrawn for good cause by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the racing secretary's office. All horses on the also eligible list and not moved in to race by the time prescribed by the judges on the day before the race shall be released.

(b) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and had been scratched is the date of the race from which he was scratched. Preference dates shall also be determined as follows:

(1) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date, and preference applied accordingly; provided, however, that where an overnight race has been reopened because it did not fill, all eligible horses declared in to the race prior to the re-opening shall receive preference over horses subsequently declared, irrespective of the actual preference dates.

(2) All horses granted stalls and eligible must be given the opportunity to compete at the meeting.

(*Indiana Horse Racing Commission; 71 IAC 7-1-30; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1157; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2407; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-31 Postponement; withdrawn

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 31. (a) The judges may order a horse or horses withdrawn from any race after it or they have left the paddock and before the start has been effected. In such event, the permit holder shall make a refund of all wagers on the horse or horses withdrawn (except in the case of a horse which represents part of an entry or mutuel field of two (2) or more horses).

(b) In case of unfavorable weather or other unavoidable cause, the permit holder with the consent of the judges shall postpone races in the following manner:

(1) Early closing races, stakes, and futurities shall be postponed to a definite hour the next race day.

(2) Any late closing race, early closing, and stake or futurity, except as provided in subdivisions (4) and (5), that cannot be raced during the scheduled meeting shall be declared off and the entrance money and forfeits shall be divided equally among the nominators who have horses declared in and eligible to start.

(3) Any late closing race or early closing race that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and the full purse divided according to summary. In overnight events only, that portion of the purse as has been contested will be paid.

(4) Any stake or futurity that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and the full purse divided according to the summary.

(5) Unless otherwise provided in the conditions for racing, in order to transfer stakes and futurities to another meeting, unanimous consent must be obtained from the track and from all those having eligibles in the event.

(6) Overnight events may be postponed and carried over not to exceed three (3) racing days.

(Indiana Horse Racing Commission; 71 IAC 7-1-31; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1157; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-1-32 Reporting to track

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 32. All horses shipping in to race must be at the track where they are to race at a time appointed by the commission. In the event of unavoidable delay, as determined by the judges, the judges may grant a reasonable grace period. *(Indiana Horse Racing Commission; 71 IAC 7-1-32; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1157; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-33 Reporting to paddock

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 33. The time that horses scheduled to race must report to the paddock shall be determined by the commission. *(Indiana Horse Racing Commission; 71 IAC 7-1-33; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-34 Prohibition on leaving association grounds

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 34. On any day a horse which is stabled on association grounds is scheduled to race, such horse shall not be permitted to leave the association grounds prior to the race without the permission of the judges. *(Indiana Horse Racing Commission; 71 IAC 7-1-34; emergency rule filed Aug 29, 1994, 2:15 p.m.: 18 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-1-35 Eligibility for racing and ownership status

Authority: IC 4-31-3-9; IC 4-31-11

Affected: IC 4-31

Sec. 35. (a) The commission, its executive secretary, the stewards, judges, and the commission's director of security (collectively, the "commission or the commission's designee"), shall have the right to require an entrant of a horse to verify information contained within the entry blank forms and declarations as well as other eligibility requirements for a particular race. In addition, the commission, or the commission's designee, shall have the right to make a determination of whether a certain horse is or was eligible to participate in a race. The burden of proving eligibility, by clear and convincing evidence, in such a situation, will be on the entrant.

(b) The commission, or the commission's designee, may require sufficient evidence from an entrant of ownership status, residency, or other information required for eligibility prior to allowing a horse to compete in a restricted race or in any race at the meet.

(c) After a race, the commission, or the commission's designee, may, upon reasonable suspicion, conduct an inquiry and make a determination as to ownership status, residency, or other information required for eligibility of an entrant.

(d) In considering the matter of ownership status, the commission, or the commission's designee, may review any information which it deems relevant, including, but not limited to, the following:

(1) a bill of sale;

(2) a proof of funds transfer, including, but not limited to, a canceled check, a wire transfer, or other similar form of proof; and

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(3) a completed ownership transfer on the USTA or Jockey Club registration certificate, whichever is applicable.

(e) An entry must be one hundred percent (100%) owned by an Indiana resident and/or residents to be entered in any Indiana owned race. Corporate or partnership ownership requires all shareholders or partners, respectively, to be residents to be entered in any Indiana owned race. If a lease is involved for a standardbred horse, all lessors and lessees must be Indiana residents.

(f) All Indiana owned thoroughbreds shall be registered with the commission and be wholly owned at time of registration as Indiana owned but no later than June 1 of each year (claimed and public sale horses excepted) and remained wholly owned by an Indiana resident(s) through its participation in any Indiana owned race in said year. In 1998, an Indiana owned standardbred must be wholly owned by an Indiana resident(s) by April 1, 1998, (claimed and public sale horses excepted) and remained wholly owned by an Indiana resident(s) through its participation in any Indiana owned race in said year. In 1999 and thereafter, an Indiana owned standardbred must be wholly owned by an Indiana resident(s) by January 1 (claimed and public sale horses excepted) and remain so through its participation in any Indiana owned race in any given year. The association or a breed development advisory committee may establish a date for a special race or series of races other than that established by the commission provided that such date is no later than that established by the commission and such date must be published on the nomination blank.

(g) All Indiana owned horses must be fully paid for by the Indiana owner(s) no later than the date established by the commission in subsection (f). The payment of the purchase price over time or through earnings beyond the date established in subsection (f) is prohibited and such horses shall be deemed ineligible to be nominated, entered, or raced as Indiana owned.

(h) In considering the matter of residency:

(1) "Residence", as the term is used in the context of this statement, means the place where an individual has their permanent home, at which that person remains when not called elsewhere for labor or other special or temporary purposes, and to which that person returns in seasons of repose. It is a place a person has voluntarily fixed as a permanent habitation with an intent to remain in such place for an indefinite period. A person at any one (1) time has but one (1) residence and a residence cannot be lost until another is gained.

(2) The commission, or the commission's designee, may review the information which is deemed relevant, including, but not limited to, the following:

(A) where the person lives and has been living;

(B) the location of the person's source(s) of income;

(C) the address used by the person for the payment of taxes, including federal, state, and property taxes;

(D) the state in which the person's personal automobiles are registered;

(E) the state issuing the person a driver's license;

(F) the state in which the person is registered to vote;

(G) ownership of property in Indiana and outside Indiana;

(H) the residence used for USTA membership and USTA or Jockey Club registration of a horse, whichever is applicable;

(I) the residence claimed by a person on a loan application or other similar document; or

(J) membership in civic, community, and other organizations in Indiana and elsewhere.

(3) None of these factors, when considered alone, shall be dispositive. Consideration of all of the factors together, as well as a person's expressed intention, shall be considered in arriving at a determination.

(4) Beginning with the 1998 racing season, owners will be required to meet the residence requirements as of January 1 for that year's racing season.

(i) Each owner and trainer, or the authorized agent of an owner or trainer, or the nominator (collectively, the "entrant"), is required to disclose the true and entire ownership of each horse with the racing secretary, and to disclose any changes in the owners of each registered horse to both the racing secretary, the stewards, or judges. A licensee or racing official, including the racing secretary, shall immediately report any questions concerning the ownership status of a horse to the stewards or judges, and the stewards or judges may place such a horse on the steward's or judge's list. A horse placed on the steward's or judge's list shall be ineligible to start in a race until questions concerning the ownership status of the horse are answered to the satisfaction of the commission, or the commission's designee, and the horse is removed from the steward's or judge's list.

(j) If the commission, or the commission's designee, finds a lack of sufficient evidence of ownership status, residency, or other information required for eligibility, prior to a race, the commission, or the commission's designee, may order the entrant's horse scratched from the race or ineligible to participate.

(k) After a race, the commission, or the commission's designee, may, upon reasonable suspicion, withhold purse money pending an inquiry of ownership status, residency, or other information required for eligibility. If the purse money is ultimately

forfeited, because of a determination of the commission, or the commission's designee, the purse money shall be redistributed per order of the commission or the commission's designee.

(l) If the purse money has been paid prior to reasonable suspicion, the commission, or the commission's designee, may conduct an inquiry and make a determination. If the commission, or the commission's designee, determines there has been a violation of ownership status, residency, or other information required for eligibility, it shall order the purse money returned and redistributed per order of the commission or the commission's designee.

(m) Any entrant, which is found to have violated the qualification for a race, including knowingly providing false information or refusing to provide or concealing information, is also subject to sanctions by the commission. (*Indiana Horse Racing Commission; 71 IAC 7-1-35; emergency rule filed May 12, 1997, 3:15 p.m.: 20 IR 2822; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2407; errata filed Mar 5, 1998, 1:45 p.m.: 21 IR 2392; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-36 Current race lines

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 36. (a) Current race lines, including last start, must be available at scratch time or the horse will be scratched.

(b) It shall be the trainer's responsibility to inform the racing office at entry time of a possible missing line. Also, the trainer shall be responsible to supply the same information to the judges at scratch time.

(c) Scratch time is established by the association.

(d) If, after scratch time, a horse drawn into race at an Indiana pari-mutuel track participates in any other race, that horse shall be scratched.

(e) No horse may start in a qualifying race until approved by the USTA for electronic eligibility. (*Indiana Horse Racing Commission; 71 IAC 7-1-36; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-1-37 Nasal strips

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 37. The association shall designate in the official program all horses that are to be racing with a nasal strip. It shall be the responsibility of the trainer to report at time of entry if his or her horse will be racing with a nasal strip. (*Indiana Horse Racing Commission; 71 IAC 7-1-37; emergency rule filed emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2006; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. The Starter and the Start of the Race

71 IAC 7-2-1 Sound of bugle (Repealed)

Sec. 1. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2112*)

71 IAC 7-2-2 In hands of starter

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Horses shall be in the hands of the starter from the time they arrive on the track until the start is effected. All horses shall parade from the paddock to the starting post, and no driver shall dismount without the permission of the starter. Attendants may not care for horses during the parade except by permission of the starter.

(b) After entering the track, not more than twelve (12) minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. (*Indiana Horse Racing Commission; 71 IAC 7-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.:*

17 IR 1158; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-2-3 Fair start

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. The starter shall give such orders and take such measures that do not conflict with these rules as are necessary to secure a fair start. (*Indiana Horse Racing Commission; 71 IAC 7-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-2-4 Starter's duties

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The starter shall be in the starting gate fifteen (15) minutes before the post time of the first race. He or she shall have control over the horses and authority to recommend the assessment of fines or suspend drivers, or both for any violation of these rules from the formation of the parade until the word "go" is given. He or she may assist in placing the horses when requested by the judges to do so. His or her services shall be paid for by the permit holder employing him or her. An assistant starter may be employed when a permit holder deems it necessary. (*Indiana Horse Racing Commission; 71 IAC 7-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-2-5 Starting

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The starter shall have control of the horses from the formation of the parade until he or she gives the word "go". In starting the race, the starter shall take the following steps:

(1) After one (1) or two (2) preliminary warming-up scores, the starter shall notify the drivers to come to the starting gate. During or before the parade, the drivers must be informed as to the number of scores permitted.

(2) The horses shall be brought to the starting gate as near one-fourth ($\frac{1}{4}$) of a mile before the start as the track will permit.

(3) Allowing sufficient time so that the speed of the gate can be increased gradually to facilitate a fair start.

(b) The starting point will be a point marked on the inside rail a distance of not less than two hundred (200) feet from the first turn. The starter shall give the word "go" at the starting point. When a speed has been reached in the course of a start, there shall be no decrease except in the case of a recall. (*Indiana Horse Racing Commission; 71 IAC 7-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-2-6 Recall rules

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) In the case of a recall, a light which is plainly visible to the drivers shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses. At pari-mutuel tracks, in the case of a recall, wherever possible, the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use his or her discretion to close the wings of the gate. There shall be no recall after the word "go" has been given unless there is a mechanical failure of the starting gate. Any horse, regardless of its position or an accident, shall be deemed a starter from the time it entered into starter's control unless dismissed by the starter.

(b) In the event a horse causes two (2) recalls, it shall be an automatic ruling of the judges that the offending horse be scratched and a mutuel refund ordered.

(c) The starter may sound a recall only for the following reasons:

(1) A horse scores ahead of the gate.

- (2) There is interference.
- (3) A horse has broken equipment.
- (4) A horse falls before the word "go" is given.
- (5) A mechanical failure of the starting gate.
- (6) The starter determines, in his or her discretion, that there cannot be a fair start.

(Indiana Horse Racing Commission; 71 IAC 7-2-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1500; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-2-7 Penalties; starter

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. A fine or suspension, or both, may be applied to any driver by the judges for:

- (1) Delaying the start.
- (2) Failure to obey the starter's instructions.
- (3) Rushing ahead of the inside or outside wing of the gate.
- (4) Coming to the starting gate out of position.
- (5) Crossing over before reaching the starting point.
- (6) Interference with another driver during the start.
- (7) Failure to come into and remain in position.

(Indiana Horse Racing Commission; 71 IAC 7-2-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1159; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2864, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-2-8 Riding in gate, equipment, two tiers

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. (a) No persons shall be allowed to ride in the starting gate except the starter and his or her driver or operator and a patrol judge unless permission has been granted by the commission.

(b) Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

(c) Horses may be held on the backstretch not to exceed two (2) minutes awaiting post time, except when delayed by an emergency.

(d) In the event there are two (2) tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill the vacancy. Where a horse has drawn a post position in the second tier, the driver of such horse may elect to score out behind any horse in the first tier so long as he or she does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position. *(Indiana Horse Racing Commission; 71 IAC 7-2-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1159; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-2-9 Starting without gate

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. (a) When horses are started without a gate, the starter shall have control of the horses from the formation of the parade until he gives the word "go". He shall be located at the wire or other point of start of the race at which point as nearly as possible the word "go" shall be given. No driver shall cause unnecessary delay after the horses are called. After two (2) preliminary warming-up scores, the starter shall notify the drivers to form in parade.

(b) The driver of any horse refusing or failing to follow the instructions of the starter as to the parade or scoring ahead of the

pole horse may be:

- (1) set down for the heat in which the offense occurs, or for such other periods the starter shall determine; and
- (2) fined.

Whenever a driver is taken down, the substitute shall be permitted to score the horse once. A horse delaying the race may be started regardless of its position or gait and there shall not be a recall because of a bad actor. If the word "go" is not given, all the horses in the race shall immediately turn on signal and jog back to their parade positions for a fresh start. There shall be no recall after the starting word has been given. (*Indiana Horse Racing Commission; 71 IAC 7-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1159; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-2-10 Starters; unmanageable and bad acting horses; post positions by heats

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) The horses shall be deemed to have started when the word "go" is given by the starter and all the horses must go the course except in case of an accident in which it is the opinion of the judges that it is impossible to go the course.

(b) If, in the opinion of the judges or starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the judges who will in turn notify the public and refund all wagers on the horse.

(c) The arms of all starting gates shall be provided with a screen or shield in front of the position for each horse, and such arms shall be perpendicular to the rail.

(d) Every licensed starter is required to check his or her starting gate for malfunctions before commencing any meeting and to practice the procedure to be followed in the event of malfunction. Both the starter and the driver of the gate must know and practice emergency procedures, and the starter is responsible for the training of drivers in such procedures. (*Indiana Horse Racing Commission; 71 IAC 7-2-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-2-11 Starter's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. The starter or his or her assistants shall school such horses as may be necessary and shall prepare a list of horses not qualified to start, which shall be delivered to the judges and entered on the judge's list. The judge's list shall be posted in the racing secretary's office with the list of horses not qualified to start. (*Indiana Horse Racing Commission; 71 IAC 7-2-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-2-12 Not permitted to receive gratuities

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. No starter or assistant starter shall either directly or indirectly receive presents, gratuities, remuneration, or tips from any person or persons or have any interest in any horse under the penalties provided by these rules. (*Indiana Horse Racing Commission; 71 IAC 7-2-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Driving Rules and Violations

71 IAC 7-3-1 Physical examination

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Drivers, when required by the judges, must provide a medical affidavit certifying that they:

- (1) are physically and mentally capable of performing the activities and duties of a licensed driver;
- (2) are free of any disabling defects or contagious disease; and
- (3) are not a user of any illicit or prohibited drugs or narcotics.

(b) The judges may refuse to allow any driver to drive at a meeting until the required medical affidavit is presented to the judges. (*Indiana Horse Racing Commission; 71 IAC 7-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-2 Restriction on financial interest

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. No driver who has any financial interest in any race horse shall drive any other horse in the same race with his or her horse, except if a trainer, who is also a licensed driver, owns all or part of a horse in his coupled entry, he [*sic.*, *or*] she is permitted to drive either horse. (*Indiana Horse Racing Commission; 71 IAC 7-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-3 Wager restriction

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. No driver, trainer, or owner shall wager on any horse other than his or her own horse in any race in which he or she participates or permit anyone to so wager for him or her. However, such licensee's wagers on his or her horse may include other horses in wagers as long as his or her horse is included in the wager to finish first in combination with the other horses. For any violation of this section, the driver, trainer, or owner may be subject to such penalties provided by these rules. (*Indiana Horse Racing Commission; 71 IAC 7-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2864, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-4 Shall not converse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. Drivers and grooms shall not converse or otherwise exchange information with anyone outside the paddock after they have entered therein, except on permission from the paddock judge, and they shall be disciplined for any breach of this section. (*Indiana Horse Racing Commission; 71 IAC 7-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-5 Safety helmet

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. No individual will be permitted to drive on a race track unless wearing a protective safety helmet of a type satisfactory to the commission with chin strap in place. As used in this section, "satisfactory" shall be deemed to require the safety helmet to meet safety standards approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 7-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-6 Attire

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Drivers must wear distinguishing colors and clean white pants and shall not be allowed to start in a race or other

public performance unless in the opinion of the judges:

- (1) they are properly dressed;
- (2) their driving outfits are clean; and
- (3) they are well groomed.

During inclement weather conditions, drivers must wear rain suits matching their colors.

(b) Any driver wearing colors who appears at a betting window or at a bar or in a restaurant which dispenses alcoholic beverages shall be fined or suspended, or both. (*Indiana Horse Racing Commission; 71 IAC 7-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2912; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-7 Driving rules

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. (a) Although a leading horse is entitled to any part of the track, neither the driver of the first horse or any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near that in altering the position the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.
- (2) Jostle, strike, hook wheels, or interfere with another horse or driver.
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.
- (4) Swerve in and out or pull up quickly.
- (5) Crowd a horse or driver by putting a wheel under the horse or driver.
- (6) Carry a horse out.
- (7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (8) Let a horse pass inside needlessly or otherwise help another horse to improve its position in the race.
- (9) Commit any act which shall impede the progress of another horse or cause it to break.
- (10) Change course after selecting a position in the homestretch, swerve in and out, or bear in and out in such a manner as to interfere with another horse or cause it to break.
- (11) Drive in a careless or reckless manner.
- (12) Whip under the arch of the sulky.
- (13) Kick the horse or brush hindquarters or legs with the foot.
- (14) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed.
- (15) Cross the inside limits of the course.
- (16) If any of the violations in this subsection is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) In case of interference, collision, or violation of any of the restrictions in subsections (a) and (b), the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined, suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered.

(d) If there be any purse money for which horses have started but were unable to finish due to interference and/or an accident, all unoffending horses who did not finish will share equally in such purse money.

(e) Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the judges believe that a horse:

(1) is being driven or has been driven with intent to prevent winning a heat or dash which the horse was evidently able to win;
or

(2) is being raced in an inconsistent manner or to perpetrate or to aid a fraud;

the judges shall consider it a violation and the driver, and anyone acting in concert with the driver to so affect the outcome of the race or races, may be suspended or referred to the commission. The judges may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the judges and the fee retained from the purse money due the horse, if any.

(f) The judges may impose a penalty not to exceed a suspension of sixty (60) days or a fine of one thousand dollars (\$1,000), or both or refer the matter to the commission if a driver commits any of the following violations:

(1) In the event a drive is unsatisfactory due to lack of effort or carelessness despite the judges' belief that there is no fraud, gross carelessness, or a deliberate inconsistent drive.

(2) In the event the driver shall rein in before crossing the finish line or shall fail to use his or her utmost exertion to obtain a winning performance from the horse driven by him or her.

(3) In the event a driver shall fail to set or maintain a pace or trot comparable to the class in which he or she is racing.

In the event a penalty is placed on a driver under this subsection, the horse may be placed on the judges' list and may not be removed therefrom until it goes in a qualifying race and qualifies in a time comparable to the class of the horse. (*Indiana Horse Racing Commission; 71 IAC 7-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2108; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-8 Foul driving; disqualification

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. The judges shall take cognizance of foul driving, whether objection to foul driving is made or not. The judges shall determine the extent of disqualification in case of fouls occurring during the running of the race and may place an offending horse:

(1) just behind the horses, in their judgment, it interfered with; or

(2) last.

(*Indiana Horse Racing Commission; 71 IAC 7-3-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-9 List or replace driver

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) Every owner or trainer shall, if possible, upon making entry, furnish the name of the driver who will drive his or her horse, but, if this is not possible, the name must be furnished at a time designated by the judges.

(b) If an owner or trainer does not name a driver for its entered horse by the time designated by the judges, the judges shall select and name a competent driver to drive that horse.

(c) The judges may replace any driver with a driver of their selection for cause or on suspicion of fraudulent practices or attempts. Any such action shall be reported by the judges to the commission with reason therefore.

(d) A driver must fulfill his obligation to drive when programmed unless excused by the judges. (*Indiana Horse Racing Commission; 71 IAC 7-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3131, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536*)

71 IAC 7-3-10 Horse must finish

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 10. If for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out. (*Indiana Horse Racing Commission; 71 IAC 7-3-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-11 Improper conduct in race

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 11. Loud shouting or other improper conduct is forbidden in a race. Unless otherwise provided in this rule, drivers shall keep both feet in the stirrups at all times while on the track and during a race. (*Indiana Horse Racing Commission; 71 IAC 7-3-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-12 Feet in stirrups

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 12. After the starting gate is in motion, both feet must be kept in the stirrups until after the finish of the race, except that a driver shall be allowed to remove a foot from the stirrups temporarily for the purpose of pulling ear plugs. (*Indiana Horse Racing Commission; 71 IAC 7-3-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-13 Whip restriction

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 13. (a) Drivers will be allowed whips not to exceed three (3) feet, nine (9) inches, plus a snapper not longer than six (6) inches.

(b) The whip, including the snapper, may make contact only above and between the shafts.

(c) Provided, further, that the following actions may be considered as excessive or indiscriminate use of the whip:

(1) Causing visible injury, including bleeding and/or welts.

(2) Whipping a horse after a race.

(3) Whipping a horse that is exhausted or not in contention.

(4) Allowing the whip hand to pass behind the shoulder.

(5) Excessive use of the whip.

(d) Drivers shall keep a line in each hand from the start of the race until the top of the homestretch finishing the race. (*Indiana Horse Racing Commission; 71 IAC 7-3-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537*)

71 IAC 7-3-14 Brutal use of whip (Repealed)

Sec. 14. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2415*)

71 IAC 7-3-15 Hopples; head pole, restrictions

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 15. Any person found guilty of removing or altering a horse's hopples for the purpose of fraud shall be suspended. Any horse habitually wearing hopples shall not be permitted to start in a race without hopples unless for good cause the judges permit it. Any horse habitually racing free legged shall not be permitted to wear hopples in a race unless for good cause the judges permit it. No horse shall be permitted to wear a head pole protruding beyond its nose. (*Indiana Horse Racing Commission; 71 IAC 7-3-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-16 Breaking

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 16. (a) When any horse or horses break from their gait in trotting or pacing, their driver shall at once, where clearance exists, take such horse either to the inside or outside and pull it to its gait.

(b) The following shall be considered violations of subsection (a):

- (1) Failure to properly attempt to pull a horse to its gait.
- (2) Failure to take to the inside or outside where clearance exists.
- (3) Failure to lose ground by the break.
- (4) An extended break.

(c) If there has been no failure on the part of the driver in complying with subsection (a), the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(d) The judges may set any horse back one (1) or more places if in their judgment any violations as established in subsection (b) or (c) have been committed.

(e) Any horse making a break which causes interference with other contesting horses shall be placed behind all horses interfered with unless the judges determine that a driver of a trailing horse did not exercise reasonable alertness in avoiding the situation. (*Indiana Horse Racing Commission; 71 IAC 7-3-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537*)

71 IAC 7-3-17 Fraudulent break

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 17. If, in the opinion of the judges, a driver allows his or her horse to break for the purpose of fraudulently losing a heat, he or she shall be subject to punishment by a fine, a suspension, or both. (*Indiana Horse Racing Commission; 71 IAC 7-3-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-18 Time for lapped on breaks

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 18. The leading horse shall be timed and its time only shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless a horse is declared a winner by reason of the disqualification of a breaking horse on which it was lapped. (*Indiana Horse Racing Commission; 71 IAC 7-3-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-19 Judges call breaks

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 19. To assist in determining the charting of a race, it shall be the duty of one (1) of the judges to call out every break made, and the clerk of the course shall at once note the break and character of it in writing. (*Indiana Horse Racing Commission; 71 IAC 7-3-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-20 Time between heats

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 20. The time between separate heats of a single race shall be no less than forty (40) minutes. No heat shall be called after sunset where the track is not lighted for night racing. (*Indiana Horse Racing Commission; 71 IAC 7-3-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-21 Accidents

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 21. In the case of accidents, the judges shall allow only so much time as they deem necessary and proper before resuming the racing program. Drivers involved in accidents must be cleared by an emergency medical technician or paramedic before resuming driving engagements. (*Indiana Horse Racing Commission; 71 IAC 7-3-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-22 Driver must be seated

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 22. A driver must be seated in his or her sulky at the finish of the race or the horse will be placed as not finishing. (*Indiana Horse Racing Commission; 71 IAC 7-3-22; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-23 Wheel disk; mud fenders

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 23. It shall be the responsibility of the owner and trainer to provide every sulky used in a race with unicolored or colorless wheel disks on the inside and outside of the wheel of a type approved by the commission. In his or her discretion, the presiding judge may order the use of mud guards which shall be provided by the owners or trainers. (*Indiana Horse Racing Commission; 71 IAC 7-3-23; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-24 Horse falls on track

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 24. Should any horse in the current program fall or get loose on the track or be involved in an accident of any kind after starting to warm-up, that horse will only be permitted to start after examination and approval by the track veterinarian. Should any horse fall or get loose during the post parade or during the time elapsed before the word "go" is given, the horse shall be scratched by the judges and a refund ordered of all wagers on the horse. (*Indiana Horse Racing Commission; 71 IAC 7-3-24; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-25 Disorderly conduct

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 25. The following shall constitute disorderly conduct and be reason for any penalty of a driver or trainer as provided by these rules:

- (1) Failure to obey the judges' orders that are expressly authorized by these rules.
- (2) Appearing in the paddock in an unfit condition to drive.
- (3) Fighting.
- (4) Assaults.
- (5) Offensive and profane language.
- (6) Smoking on the track in silks during actual racing hours.
- (7) Warming up a horse prior to racing without silks.
- (8) Disturbing the peace.
- (9) Refusal or failure to take a breath test when directed to do so under to 71 IAC 8-11-12 [*sic.*, 71 IAC 8-11-2].

(Indiana Horse Racing Commission; 71 IAC 7-3-25; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537)

71 IAC 7-3-26 Disorderly conduct; all licensees (Repealed)

Sec. 26. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2919)*

71 IAC 7-3-27 Suspensions for driver or trainer

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 27. The judges may write suspensions in the following main categories:

- (1) Limited suspensions shall be used to suspend drivers for minor driving or other violations under which they may not drive during the term of the suspension but may continue to train and enter horses trained by the drivers. This suspension shall be written to include the words "from driving only".
- (2) Full suspension shall be used when the judges, in their determination, feel the violation so warrants. The driver or trainer under full suspension shall not be allowed to enter or start any horses trained by the person affected. Owners involved with a driver or trainer under full suspension may be allowed to transfer their horses to another driver or trainer to continue racing but only with the permission of the judges and for just cause.

(Indiana Horse Racing Commission; 71 IAC 7-3-27; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-3-28 Effect of minor penalty on future engagements

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 28. Where the penalty is for a driving violation and does not exceed in time a period of five (5) days, the driver may complete the engagement of all horses declared in before the penalty becomes effective. During a suspension of five (5) days or less, suspended drivers may drive in stake, futurity, early closing, and feature races only, but the suspension will be extended one (1) day for each date they drive in such a race. *(Indiana Horse Racing Commission; 71 IAC 7-3-28; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-3-29 Horse also suspended

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 29. (a) If a person is suspended, ruled off, or expelled, every horse owned wholly or in part or leased or trained by that licensee may also be suspended, ruled off, or expelled for the same period of time as the owner or trainer.

(b) Under unusual circumstances or for justifiable reasons, the judges or commission may shorten the period of suspension time for a horse.

(c) With the approval of the judges, an owner whose horses are in the care of a suspended trainer may transfer such horses to another licensed trainer. (*Indiana Horse Racing Commission; 71 IAC 7-3-29; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-30 Return money; prizes

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 30. If any person or persons is suspended, ruled off, or expelled for fraudulent practice in relation to a horse or horses, wholly or in part their property, he or she shall return all money and prizes which such horse or horses has fraudulently won. (*Indiana Horse Racing Commission; 71 IAC 7-3-30; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-31 Fraudulent practices

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 31. (a) No person shall do any of the following:

(1) Corruptly give or offer money or share in a bet or other benefit to any person having official duties in relation to a race or to any driver.

(2) Having official duties in relation to a race or any driver, corruptly accept or offer to accept money or share in a bet or any benefit.

(3) Willfully enter or cause to be entered or start in any race a horse which they know to be disqualified.

(4) Fraudulently offer or receive any amount of money for scratching a horse out of a race.

(5) Without making it known to the officials, be a part owner or act as a trainer of any horse in which a driver possesses any interest.

(6) Make any bet with or on behalf of a driver, unless the bet is on a horse the driver is driving.

(7) Offer or give, except through his or her employer of the owner or trainer of the horse driven, a driver any present, money, or other reward in connection with driving in any race.

(8) Accept a ticket or make a bet on any horse other than the one he or she drives.

(b) If any person is guilty of any corrupt or fraudulent practices, in this or any other jurisdiction, then such person or persons so offending shall be suspended and referred to the commission.

(c) No driver may accept payment of any kind, directly or indirectly, from any person other than the owner of the horse the driver drives for in a race.

(d) If any person is approached with:

(1) any offer or promise of a bribe or a wager;

(2) a request for suggestion for a bribe;

(3) a request or suggestion for any improper, corrupt, or fraudulent act in relation to racing; or

(4) a request that a race be conducted otherwise than fairly and honestly;

he or she shall report the details thereof immediately to the presiding judge. Persons failing to report such information to the judges shall be suspended and referred to the commission. (*Indiana Horse Racing Commission; 71 IAC 7-3-31; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-32 Disqualification; purse redistribution

Authority: IC 4-31-3-9

Affected: IC 4-31

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Sec. 32. (a) In the event any violation of these rules is determined after a race has been completed and the purse has been distributed, the following shall apply:

- (1) If the violation would disqualify a horse or horses, the owner or owners of the horse or horses shall forfeit the purse and any trophy or awards and the remaining horses placed accordingly.
- (2) The purse shall be redistributed according to the final placings.
- (3) In the event the purse has been paid, the owner or owners and the disqualified horse or horses shall stand suspended until all money, trophies, or awards have been returned to the permit holder who shall assume the responsibility of redistributing the purse.
- (4) If there are not enough nonoffending horses, the remaining part of the purse shall go to the declared winner.

(b) In the event a purse is paid in error or is ordered redistributed due to an order of the commission, the owner refusing to return the purse and the horse involved shall stand suspended until all purse monies, trophies, or awards have been returned to the permit holder who shall assume the responsibility for redistributing the purse.

(c) Nothing in this section shall be construed to require the permit holder to pay the purses or distribute the trophies or awards until they have been returned.

(d) Nothing in this section shall be construed to prevent the commission, in its discretion, from continuing any suspension or penalty made pursuant to these rules for such period of time the commission may determine.

(e) In the event any violation of these rules shall be determined after:

- (1) a race has been completed;
- (2) the purse has not been distributed; and
- (3) an appeal has been filed staying the decision of the judges;

the judges shall notify the permit holder who shall distribute the portions of the purse money which were not affected by the decision or the appeal thereof. (*Indiana Horse Racing Commission; 71 IAC 7-3-32; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-33 Standard saddle pad colors

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 33. (a) The permit holder shall use the standard color format for saddle pad colors which correspond to the following post position in each race:

<u>Post Position</u>	<u>Color</u>
1	Red
2	Blue
3	White
4	Green
5	Black
6	Yellow
7	Pink
8	Gray
9	Purple
10	Blue and red
11	Light blue
12	Red and white

(b) All post position numbers shall be white with a black border except numbers 3 and 5 shall be black. (*Indiana Horse Racing Commission; 71 IAC 7-3-33; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-34 Sulky standards

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 34. The sulky performance standards recommended by the Industry Wide Sulky Committee, as adopted and approved and amended from time to time, by the USTA, are incorporated by reference herein. (*Indiana Horse Racing Commission; 71 IAC 7-3-34; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-3-35 Bandages

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 35. (a) The use of Gelocast and/or like materials as a racing bandage, or the use of Gelocast and/or like materials in conjunction with traditional materials to form a racing bandage is prohibited.

(b) Any nontraditional material incorporated into a racing bandage must be approved by the commission veterinarian. (*Indiana Horse Racing Commission; 71 IAC 7-3-35; emergency rule filed Jun 22, 1998, 5:11 p.m.: 21 IR 4234; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Protests, Objections, and Inquiries

71 IAC 7-4-1 Judges to inquire

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The judges shall take cognizance of driving violations and, upon their own motion or that of any racing official or person empowered by these rules to object or complain, shall make diligent inquiry or investigation into such objection or complaint when properly received. (*Indiana Horse Racing Commission; 71 IAC 7-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-4-2 Race objections

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. (a) An objection to an incident alleged to have occurred during the running of a race shall be received only when lodged with the judges or their designees by the owner, the authorized agent of the owner, the trainer, or the driver of a horse engaged in the same race. Any objection by a driver must be lodged with the patrol judge before the driver dismounts the sulky.

(b) An objection following the running of any race must be filed before the race is declared official.

(c) The judges shall:

- (1) make all findings of fact as to all matters occurring during and incident to the running of a race;
- (2) determine all objections and inquiries; and
- (3) determine the extent of disqualification, if any, of horses in the race.

Such findings of fact and determinations shall be final. (*Indiana Horse Racing Commission; 71 IAC 7-4-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-4-3 Prior objections

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. (a) Objections to the participation of a horse entered in any race shall be made to the judges in writing, signed by the objector, and filed not later than one (1) hour prior to post time for the first race on the day which the questioned horse is entered.

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Any such objection shall set forth the specific reason or grounds for the objection in such detail so as to establish probable cause for the objection. The judges upon their own motion may consider an objection until such time as the horse becomes a starter.

(b) An objection to a horse which is entered in a race may be made on, but not limited to, the following grounds or reasons:

(1) A misstatement, error, or omission in the entry under which a horse is to participate.

(2) The horse which is entered to run is not the horse it is represented to be at the time of entry or the age was erroneously given.

(3) The horse is not qualified to enter under the conditions specified for the race.

(4) The horse is owned in whole or in part or leased or trained by a person ineligible to participate in racing or otherwise ineligible to own a race horse as provided in these rules.

(5) The horse was entered without regard to a lien filed previously with the racing secretary.

(c) The judges may scratch from the race any horse which is the subject of an objection if they have reasonable cause to believe that the objection is valid. (*Indiana Horse Racing Commission; 71 IAC 7-4-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7-4-4 Protests

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) A protest against any horse which has started in a race shall be made to the judges in writing, signed by the protestor, within seventy-two (72) hours of the race exclusive of nonracing days. If the incident upon which the protest is based occurs within the last two (2) days of the meeting, such protest may be filed with the commission within seventy-two (72) hours exclusive of Saturdays, Sundays, or official holidays. Any such protest shall set forth the specific reason or reasons for the protest in such detail as to establish probable cause for the protest.

(b) A protest may be made on any of the following grounds:

(1) Any grounds for objection as set forth in section 3 of this rule.

(2) The order of finish as officially determined by the judges was incorrect due to oversight or errors in the numbers of the horses which started the race.

(3) A driver, owner, or lessor was ineligible to participate in racing as provided in this article.

(4) An unfair advantage was gained in violation of this article.

(c) Notwithstanding any other provision in this article, the time limitation on the filing of protests shall not apply in any case in which fraud or willful misconduct is alleged provided that the judges are satisfied that the allegations are bona fide and verifiable.

(d) No person shall file any objection or protest knowing the same to be inaccurate, false, untruthful, or frivolous.

(e) The judges may order any purse, award, or prize for any race withheld from distribution pending the determination of any protest. In the event any purse, award, or prize has been distributed to an owner or for a horse which by reason of a protest or other reason is disqualified or determined to be not entitled to such purse, award, or prize, the judges or the commission may order such purse, award, or prize returned and redistributed to the rightful owner or horse. Any person who fails to comply with an order to return any purse, award, or prize erroneously distributed shall be subject to fines and suspension. (*Indiana Horse Racing Commission; 71 IAC 7-4-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 5. Violations and Fines

71 IAC 7-5-1 Disorderly conduct; all licensees

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The following shall constitute disorderly conduct and be reason for any penalty of any license as provided by these rules:

(1) Failure to obey the judges' orders.

(2) Fighting.

(3) Assaults.

- (4) Offensive and profane language.
- (5) Disturbing the peace.

(Indiana Horse Racing Commission; 71 IAC 7-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 7-5-2 Improper language

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. If any licensed person:

- (1) uses improper language to the racing officials or member of the racing commission or threatens such officials;
- (2) uses profane or indecent language;
- (3) carries or exhibits a deadly weapon; or
- (4) otherwise disturbs the peace of any race track enclosure;

he or she may be ejected, fined, suspended, or referred to the commission for any penalty provided by these rules. *(Indiana Horse Racing Commission; 71 IAC 7-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-5-3 Payment of fines

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. All fines imposed by the judges or the commission shall be paid to the commission. Any person failing to pay a fine within seven (7) days may be summarily suspended pending the payment of the fine and may be excluded, their license may be revoked by the commission, or both, unless an appeal has been filed with the commission and is pending. However, when a fine and suspension is imposed by the judges or commission, the fine shall be due and payable at the time the suspension expires unless otherwise ordered. *(Indiana Horse Racing Commission; 71 IAC 7-5-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-5-4 Must pay own fine

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. No person shall pay the fine of another. *(Indiana Horse Racing Commission; 71 IAC 7-5-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7-5-5 Firearms

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. No person, except commission security, track security, and law enforcement officials while engaged in the performance of their official duties, shall possess or discharge any firearm within any race track property. *(Indiana Horse Racing Commission; 71 IAC 7-5-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

ARTICLE 7.5. FLAT RACING; RULES OF THE RACE

Rule 1. Entries and Nominations

71 IAC 7.5-1-1 Entering

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. No horse shall be qualified to start unless it has been and continues to be properly entered. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-2 Procedures

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. (a) Entries and nominations shall be made with the racing secretary and shall not be considered until received by the racing secretary, who shall maintain a record of time of receipt of them for a period of one (1) year.

(b) An entry shall be in the name of the horse's licensed owner and made by the owner, trainer, or a licensed designee of the owner or trainer.

(c) Races printed in the condition book shall have preference over substitute and extra races.

(d) An entry must be in writing, by telephone, or facsimile machine to the racing secretary. The entry must be confirmed in writing should the stewards or the racing secretary so request.

(e) The person making an entry shall clearly designate the horse so entered.

(f) No horse may be entered in more than one (1) race (with the exception of stakes races) to be run on the same day on which pari-mutuel wagering is conducted.

(g) Any permitted medication or approved change of equipment must be declared at time of entry. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-2.1 Eligibility for racing and ownership status (Repealed)

Sec. 2.1. (*Repealed by Indiana Horse Racing Commission; filed Jul 22, 1997, 10:46 a.m.: 20 IR 3385*)

71 IAC 7.5-1-3 Limitation as to spouses

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. No entry in any race shall be accepted for a horse owned wholly or in part by, or leased or trained by, a person whose husband or wife is under license suspension at the time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, the stewards may waive this rule. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-4 Coupled entries

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. (a) Two (2) or more horses which are entered in a race shall be joined as a mutuel and single betting interest if they are owned or leased in whole or in part by the same owner or are trained by a trainer who owns or leases any interest in any of the other horses in the race. The association, with the permission of the stewards, may uncouple horses trained by the same trainer but owned entirely by different owners, provided that the trainer does not hold an ownership interest in either horse. The uncoupling of such horses shall be prohibited in trifecta races.

(b) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race. Under no circumstances may two (2) horses having common ties of ownership start to the exclusion of a single entry. Preference

for horses with the same trainer, but having no common ties of ownership, will be determined by the conditions of the race and/or preference date and may exclude a single entry. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-5 Nominations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. (a) Any nominator to a stakes race may transfer or declare such nomination prior to closing.

(b) Joint nominations and entries may be made by any one (1) of the joint owners of a horse, and each joint owner shall be jointly and severally liable for all payments due.

(c) Death of a horse, or a mistake in its entry when such horse is eligible, does not release the nominator or transferee from liability for all stakes fees due. No fees paid in connection with a nomination to a stakes race that is run shall be refunded, except as otherwise stated in the conditions of a stakes race.

(d) Death of a nominator to a stakes race shall not render void any subscription, entry, or right of entry. All rights, privileges, and obligations shall be attached to the legal heirs of the decedent or the successor owner of the horse.

(e) When a horse is sold privately or at public auction or claimed, stakes engagements shall be transferred automatically to its new owner; except when the horse is transferred to a person whose license is suspended or who is otherwise unqualified to race or enter the horse, then such nomination shall be void as of the date of such transfer.

(f) All stakes fees paid toward a stakes race shall be allocated to the winner unless otherwise provided by the conditions for the race. If a stake race is not run for any reason, all such nomination fees paid shall be refunded. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-6 Closings

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. (a) Entries for purse races and nominations to stakes races shall close at the time designated by the association in previously published conditions for such races. No entry, nomination, or declaration shall be accepted after such closing time; except in the event of an emergency or if an overnight race fails to fill, the racing secretary may, with the approval of a steward, extend such closing time.

(b) Except as otherwise provided in the conditions for a stakes race, the deadline for accepting nominations and declarations is midnight of the day of closing; provided the nominations are received in time for compliance with every other condition of the race. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-7 Number of starters in a race

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of starters may be further limited by the number of horses which, in the opinion of the stewards, can be afforded a safe, fair, and equal start. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-8 Split or divided races

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. (a) In the event a race is cancelled or declared off, the association may split any overnight race for which post positions have not been drawn.

(b) When an overnight race is split, forming two (2) or more separate races, the racing secretary shall give notice of not less than fifteen (15) minutes before such races are closed to grant time for making additional entries to the split races. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-9 Post positions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. Post positions for all races shall be determined by lot and shall be publicly drawn in the presence of a steward or steward designee. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-10 Also eligible list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) If the number of entries for a race exceeds the number of horses permitted to start, the racing secretary may create and post an also eligible list.

(b) If any horse is scratched from a race for which an also eligible list was created, a replacement horse shall be drawn from the also eligible list into the race in order of preference. If none is preferred, a horse shall be drawn into the race from the also eligible list by public lot.

(c) Any owner or trainer of a horse on the also eligible list who does not wish to start the horse in such race shall so notify the racing secretary prior to scratch time for the race, thereby forfeiting any preference to which the horse may have been entitled.

(d) A horse which draws into a straightaway race from the also eligible list shall start from the post position vacated by the scratched horse. In the event more than one (1) horse is scratched, post positions of horses drawing in from the also eligible list shall be determined by public lot.

(e) A horse which draws into a nonstraightaway race from the also eligible list shall start from the outermost post position. In the event more than one (1) horse is scratched, post positions of horses drawing in from the also eligible list shall be determined by public lot. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-11 Preferred list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. The racing secretary shall maintain a list of entered horses eliminated from starting by a surplus of entries, and these horses shall constitute a preferred list and have preference. The manner in which the preferred list shall be maintained and all rules governing such list shall be the responsibility of the racing secretary. Such rules must be submitted to the commission thirty (30) days prior to the commencement of the race meeting and are subject to the approval of the commission. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-11; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-12 Double jock mounts

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. In the event an owner or trainer elects to remove a jockey from his or her mount after scratch time, the stewards may require a double jock mount to be paid. The fee to be paid for the double jock mount shall be equal to that earned by the jockey who

rode the horse. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-12; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-1-13 Eligibility for racing and ownership status (Repealed)

Sec. 13. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787*)

Rule 2. Declarations and Scratches

71 IAC 7.5-2-1 Declarations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A declaration is the act of withdrawing an entered horse from a race prior to the closing of entries.

(b) The declaration of a horse before closing shall be made by the owner, trainer, or their licensed designee in the form and manner prescribed in these rules. (*Indiana Horse Racing Commission; 71 IAC 7.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-2-2 Scratches

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A scratch is the act of withdrawing an entered horse from a contest after the closing of entries.

(b) The scratch of a horse after closing shall be made by the owner, trainer, or their licensed designee, with permission from the stewards.

(c) A horse may be scratched from a stakes race for any reason at any time up until post time for that race.

(d) No horse may be scratched from an overnight race without approval of the stewards.

(e) In overnight races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horse representing more than ten (10) betting interests in the daily double or exotic wagering races, or horses representing more than eight (8) betting interests in any other overnight race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum numbers for such races. This privilege shall be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(f) Entry of any horse which has been scratched or excused from starting by the stewards because of a physical disability or sickness shall not be accepted until the expiration of a minimum of five (5) calendar days after such horse was scratched or excused and the horse has been removed from the veterinarian's list by the official veterinarian. (*Indiana Horse Racing Commission; 71 IAC 7.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3407; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; errata filed Jun 20, 1996, 9:50 a.m.: 19 IR 3114; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Weights

71 IAC 7.5-3-1 Allowances

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Weight allowance must be claimed at time of entry and shall not be waived after the posting of entries, except by consent of the stewards.

(b) A horse shall start with only the allowance of weight to which it is entitled at time of starting, regardless of its allowance at time of entry.

(c) Horses not entitled to the first weight allowance in a race shall not be entitled to any subsequent allowance specified in the conditions.

(d) Claim of weight allowance to which a horse is not entitled shall not disqualify it unless an objection is made in writing and lodged with the stewards before post time for that race.

(e) A horse shall not be given a weight allowance for failure to finish second or lower in any race.

(f) No horse shall receive allowance of weight nor be relieved extra weight for having been beaten in one (1) or more races, but this rule shall not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or a race of a specified value.

(g) Except in handicap races which expressly provide otherwise, two-year-old fillies shall be allowed three (3) pounds, and fillies and mares, three-years-old and upward, shall be allowed five (5) pounds before September 1 and three (3) pounds thereafter in races where competing against male horses. (*Indiana Horse Racing Commission; 71 IAC 7.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3407; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-3-2 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Weight penalties are obligatory.

(b) Horses incurring weight penalties for a race shall not be entitled to any weight allowance for that race.

(c) No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.

(d) Penalties incurred and allowances due in steeplechase or hurdle races shall not apply to races on the flat, and penalties incurred and allowances due in flat races shall not apply to steeplechase or hurdle races.

(e) The reports, records, and statistics as published by The Daily Racing Form, Equibase, the breed registry foal certificate, or other recognized publications shall be considered official in determining eligibility, allowances, and penalties, but may be corrected. (*Indiana Horse Racing Commission; 71 IAC 7.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3407; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-3-3 Weight conversions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. For the purpose of determining weight assignments or allowances for imported horses, the following weight conversions shall be used:

(1) One (1) kilogram = two and one-fourth (2¼) pounds.

(2) One (1) stone = fourteen (14) pounds.

(*Indiana Horse Racing Commission; 71 IAC 7.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2868, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-3-4 Scale of weights

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) In all races the minimum weight carried shall be one hundred sixteen (116) pounds except the following:

(1) Three (3) year olds competing with older horses shall carry a minimum one hundred fourteen (114) pounds from January through April, and one hundred fifteen (115) pounds thereafter.

(2) Sex allowance.

(3) Apprentice jockey allowances.

(4) Stakes and handicap races.

(5) Indiana bred weight allowance.

(b) In all races except in handicaps and races where the conditions expressly state to the contrary, the sex allowance is as follows:

(1) For two-year-old fillies, three (3) pounds.

(2) For fillies and mares, three-years-old and upward, five (5) pounds before September 1, and three (3) pounds thereafter.

(c) Quarter horses, appaloosas, and paints shall carry a minimum of one hundred sixteen (116) pounds, except in handicaps. Should a quarter horse carry less than one hundred sixteen (116) pounds, one-tenth ($\frac{1}{10}$) of one (1) second shall be added to the official time for each four (4) pounds, or fraction thereof, less than one hundred sixteen (116) pounds. (*Indiana Horse Racing Commission; 71 IAC 7.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2868, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-3-5 Distance conversions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. For the purpose of determining eligibility, weight assignments, or allowances for imported horses, the racing secretary shall convert metric distances to English measures by reference to the following scale:

COMPARATIVE TABLE OF DISTANCES

200 Meters = 1 Furlong
1,000 Meters = 5 Furlongs
1,200 Meters = 6 Furlongs
1,400 Meters = 7 Furlongs
1,600 Meters = 1 Mile
1,700 Meters = 1 $\frac{1}{16}$ Miles
1,800 Meters = 1 $\frac{1}{8}$ Miles
2,000 Meters = 1 $\frac{1}{4}$ Miles
2,200 Meters = 1 $\frac{3}{8}$ Miles
2,400 Meters = 1 $\frac{1}{2}$ Miles
2,600 Meters = 1 $\frac{5}{8}$ Miles
3,000 Meters = 1 $\frac{7}{8}$ Miles
3,200 Meters = 2 Miles
3,600 Meters = 2 $\frac{1}{4}$ Miles
4,800 Meters = 3 Miles

(*Indiana Horse Racing Commission; 71 IAC 7.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Workouts

71 IAC 7.5-4-1 Requirements

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. A horse which has not started for a period of sixty (60) days or more prior to race day must have an official timed workout within the previous thirty (30) days prior to race day. First time starters must have two (2) or more official timed workouts, and at least one (1) such workout must be within the previous thirty (30) days prior to race day. The workout must have occurred at a pari-mutuel track or commission recognized training facility. The association may impose more stringent workout requirements. (*Indiana Horse Racing Commission; 71 IAC 7.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2156; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-4-2 Identification

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Unless otherwise prescribed by the stewards or the commission, the official lip tattoo must have been affixed to a

horse's upper lip or other identification method approved by the appropriate breed registry and the commission applied prior to its participation in workouts from the gate, schooling races, or workouts required for removal from the stewards' list, the starter's list, the veterinarian's list, or the bleeder/salix list.

(b) The trainer, exercise rider, or trainer's designee shall notify the clocker or their assistants of the horse's name, the trainer's name, and identify the distance the horse is to be worked and the point on the track where the workout will start. Any licensee failing to fully cooperate with the clocker or their assistants shall be reported to the stewards. (*Indiana Horse Racing Commission; 71 IAC 7.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3408; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2156; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 120; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-4-3 Information dissemination

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. Information regarding a horse's approved timed workouts shall be furnished to the public prior to the start of the race for which the horse has been entered. (*Indiana Horse Racing Commission; 71 IAC 7.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-4-4 Restrictions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. A horse shall not be taken onto the track for training or a workout except during hours designated by the association. (*Indiana Horse Racing Commission; 71 IAC 7.5-4-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 5. Horses Ineligible

71 IAC 7.5-5-1 Horses ineligible

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A horse is ineligible to start in a race when:

- (1) it is not stabled on the grounds of the association or present by the time established by the commission;
- (2) its breed registration certificate is not on file with the racing secretary or horse identifier; unless the racing secretary has submitted the certificate to the appropriate breed registry for correction;
- (3) it is not fully identified and tattooed on the inside of the upper lip or identified by any other method approved by the appropriate breed registry and the commission;
- (4) it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission;
- (5) it is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person;
- (6) it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted;
- (7) the stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;
- (8) its name appears on the starter's list, stewards' list, or veterinarian's list;
- (9) it is a first time starter and has not been approved to start by the starter;
- (10) it is owned in whole or in part by an undisclosed person or interest;
- (11) it lacks sufficient official published workouts or race past performances;
- (12) it has been entered in a stakes race and has subsequently been transferred with its engagements unless the racing secretary

has been notified of such prior to the start;

(13) it is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper;

(14) it is subject to a lease not filed with the stewards;

(15) it is not in sound racing condition;

(16) it has had a surgical neurectomy performed on a heel nerve, which has not been approved by the official veterinarian;

(17) it has been trachea tubed to artificially assist breathing;

(18) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;

(19) it has impaired eyesight in both eyes;

(20) it is barred or suspended in any recognized jurisdiction;

(21) it does not meet the eligibility conditions of the race;

(22) its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;

(23) its owners, lessors, lessees, or trainer have not completed the licensing procedures required by the commission;

(24) it is by an unknown sire or out of an unknown mare; or

(25) there is no negative test certificate for equine infectious anemia issued within the preceding twelve (12) months attached to its breed registration certificate.

(b) The stewards may consider extenuating circumstances in determining ineligibility of a horse with respect to subdivisions [subsection] (a)(1) and (a)(2). (*Indiana Horse Racing Commission; 71 IAC 7.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3408; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 6. Running of the Race

71 IAC 7.5-6-1 Equipment

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) No whip shall be used unless it has affixed to the end of it a looped leather popper not less than one and one-quarter (13) [*sic.*] inches in width, and not over three (3) inches in length, and be feathered above the popper with not less than three (3) rows of leather feathers, each feather not less than one (1) inch in length. No whip shall exceed thirty-one (31) inches in length. All whips are subject to inspection and approval by the stewards.

(b) No bridle shall exceed two (2) pounds.

(c) A horse's tongue may be tied down with clean bandages, gauze, or a tongue strap.

(d) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the starter.

(e) The use of Gelocast and/or like materials as a racing bandage, or the use of Gelocast and/or like materials in conjunction with traditional materials to form a racing bandage is prohibited.

(f) Any nontraditional material incorporated into a racing bandage must be approved by the commission veterinarian.

(g) The association shall designate in the official program all horses that are to be racing with a nasal strip. It shall be the responsibility of the trainer to report at time of entry if his or her horse will be racing with a nasal strip. (*Indiana Horse Racing Commission; 71 IAC 7.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:13 p.m.: 21 IR 4234; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-6-2 Racing numbers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Each horse shall carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program.

(b) In the case of a coupled entry that includes more than one (1) horse, each horse in the entry shall carry the same number, with a different distinguishing letter following the number. As an example, two (2) horses in the same entry shall appear in the official program as 1 and 1A.

(c) Each horse in the mutuel field shall carry a separate number or may carry the same number with a distinguishing letter following the number. (*Indiana Horse Racing Commission; 71 IAC 7.5-6-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-6-3 Jockey requirements

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) Jockeys shall report to the jockeys' quarters at the time designated by the association. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled, except as approved by the stewards.

(b) A jockey who has not fulfilled all riding engagements, who desires to leave the jockeys' quarters, must first receive the permission of the stewards and must be accompanied by an association security guard.

(c) While in the jockeys' quarters, jockeys shall have no contact or communication with any person outside the jockeys' quarters other than commission personnel and officials, an owner or trainer for whom the jockey is riding, the jockey's agent, or a representative of the regular news media, except with the permission of the stewards. Any communication permitted by the stewards may be conducted only in the presence of the clerk of scales or other person designated by the stewards.

(d) Jockeys shall be weighed out for their respective mounts by the clerk of scales not more than thirty (30) minutes before post time for each race.

(e) Only valets employed by the association shall assist jockeys in weighing out.

(f) A jockey must wear a safety vest when riding in any official race. The safety vest shall weigh no more than two (2) pounds and be designed to provide shock absorbing protecting to the upper body of at least a rating of five (5) as defined by the British Equestrian Trade Association (BETA).

(g) A jockey's weight shall include the jockey's clothing, boots, saddle and its attachments, and any other equipment except the whip, bridle, bit or reins, safety helmet, safety vest, blinkers, goggles, and number cloth.

(h) Seven (7) pounds is the limit of overweight any horse is permitted to carry.

(i) Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be re-admitted to the jockeys' quarters until after the entire racing program for that day has been completed, except with permission of the stewards. (*Indiana Horse Racing Commission; 71 IAC 7.5-6-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2871, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-6-4 Paddock to post

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) Each horse shall carry the full weight assigned for that race from the paddock to the starting post and shall parade past the stewards' stand unless excused by the stewards. The post parade shall not exceed twelve (12) minutes unless otherwise ordered by the stewards. It shall be the duty of the stewards to ensure that the horses arrive at the starting gate as near to post time as possible.

(b) After the horses enter the track, no jockey may dismount or entrust the jockey's horse to the care of an attendant without the prior consent of the starter unless there is an accident involving the jockey, the horse, or the equipment. During any delay during which a jockey is permitted to dismount, all other jockeys may dismount and their horses may be attended by others. After the horses enter the track, only the jockey, an assistant starter, the official veterinarian, the racing veterinarian, or an outrider or pony rider may touch the horse before the start of the race.

(c) If a jockey is injured on the way to the post, the horse shall be returned to the paddock or any other area designated by the stewards, re-saddled with the appropriate weight, and remounted with a replacement jockey.

(d) After passing the stewards' stand in parade, the horses may break formation and proceed to the post in any manner unless otherwise directed by the stewards. Once at the post, the horses shall be started without unnecessary delay.

(e) Horses shall arrive at the starting post in post position order.

(f) In case of accident to a jockey or the jockey's mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay and may permit all jockeys to dismount and all horses to be attended to during

the delay.

(g) If a horse throws its jockey on the way from the paddock to the post, the horse must be returned to the point where the jockey was thrown, where it shall be remounted and then proceed over the route of the parade to the post. The horse must carry its assigned weight from paddock to post and from post to finish.

(h) If a horse leaves the course while moving from paddock to post, the horse shall be returned to the course at the nearest practical point to that at which it left the course and shall complete its parade to the post from the point at which it left the course unless ordered scratched by the stewards.

(i) No person shall willfully delay the arrival of a horse at the post.

(j) The starter shall load horses into the starting gate in any order deemed necessary to ensure a safe and fair start. Only the jockey, the racing veterinarian, the starter, or an assistant starter shall handle a horse at the post. (*Indiana Horse Racing Commission; 71 IAC 7.5-6-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2871, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-6-5 Post to finish

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The following shall apply to starting the race:

(1) The starter is responsible for assuring that each participant receives a fair start.

(2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare the horse a nonstarter.

(3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a nonstarter by the stewards.

(4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be nonstarters, exclude individual horses from one (1) or more pari-mutuel pools, or declare a no contest and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

(b) The following shall apply to interference, jostling, or striking during the race:

(1) A jockey shall not ride carelessly or willfully so as to permit the jockey's mount to interfere with, impede, or intimidate any other horse in the race.

(2) No jockey shall carelessly or willfully jostle, strike, or touch another jockey or another jockey's horse or equipment.

(3) No jockey shall unnecessarily cause the jockey's horse to shorten its stride so as to give the appearance of having suffered a foul.

(c) The following shall apply to maintaining a straight course during the race:

(1) When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it may be a foul.

(2) The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding.

(3) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible.

(4) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts, or swerves out of its lane in such a manner that it interferes with, impedes, or intimidates another horse, and it may result in the disqualification of the offending horse.

(d) The following shall apply to disqualifications during the race:

(1) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(2) If a horse is disqualified for a foul, any horse or horses with which it is coupled as an entry may also be disqualified.

(3) When a horse is disqualified for interference in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one one-hundredth ($\frac{1}{100}$) of one (1) second penalty, or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time.

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(4) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer, or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse.

(5) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.

(e) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win.

(f) The following shall apply to use of whips during the race:

(1) The use of a whip is required. All jockeys shall use the whip only in a manner consistent with exerting the jockey's best efforts to win.

(2) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the whip approved by the stewards, shall be possessed by anyone or applied by anyone to a horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.

(3) Whips shall not be used on two-year-old horses before April 1 of each year.

(4) Prohibited use of the whip includes whipping a horse:

(A) on the head, flanks, or any other part of its body other than the shoulders or hind quarters, except when necessary to control a horse;

(B) during the post parade or after the finish of the race, except when necessary to control the horse;

(C) excessively or brutally causing welts or breaks in the skin;

(D) when the horse is clearly out of the race or has obtained its maximum placing; or

(E) persistently even though the horse is showing no response under the whip;

or striking another rider or horse.

(g) If a horse leaves the racecourse during a race, it shall be disqualified.

(h) The following shall apply to the order of finish:

(1) The official order of finish shall be decided by the stewards with the aid of the photo finish camera and, in the absence of the photo finish film strip, the video replay. The photo finish and video player are only aids in the stewards' decision. The decision of the stewards shall be final in all cases.

(2) The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.

(i) The following shall apply to returning after the finish:

(1) After a race has been run, the jockey shall ride promptly to the place designated by the stewards, dismount, and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.

(2) If a jockey is prevented from riding to the designated unsaddling area because of an accident or illness to the jockey or the horse, the jockey may walk or be transported to the scales, or may be excused from weighing in by the stewards.

(j) The following shall apply to unsaddling:

(1) Only persons authorized by the stewards may assist the jockey with unsaddling the horse after the race.

(2) No one shall place a covering over a horse before it is unsaddled.

(k) The following shall apply to weighing in:

(1) A jockey shall weigh in at least at the same weight at which the jockey weighed out and, if the jockey is under that weight by more than two (2) pounds, the jockey's mount shall be disqualified from any portion of the purse money.

(2) In the event of a disqualification, all monies wagered on the horse shall be refunded unless the race has been declared official.

(3) No jockey shall weigh in at more than two (2) pounds over the proper or declared weight, excluding the weight of health and safety equipment approved by the stewards. The stewards may make allowances for inclement weather.

(l) The following shall apply to dead heats:

(1) When two (2) horses run a dead heat for first place, all purses or prizes to which the first and second horses would have been entitled shall be divided equally between them. This subdivision applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.

(2) In a dead heat for first place, each horse involved shall be deemed a winner and liable to penalty for the amount it shall receive.

(3) When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which ran a dead heat shall be deemed to have run a dead heat for first place.

(4) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards.

(m) The following shall apply to time trials:

(1) Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten (10) horses.

(2) The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten (10) fastest times shall qualify to participate in the finals. If the time trials are conducted on two (2) days, the horses with the first five (5) fastest times on the first day and the horses with the five (5) fastest times on the second day shall qualify to participate in the finals.

(3) If the association's starting gate has less than ten (10) stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.

(4) If only eleven (11) or twelve (12) horses are entered to run in time trials from a gate with twelve (12) or more stalls, the association may choose to run finals only. If eleven (11) or twelve (12) horses participate in the finals, only the first ten (10) finishers will receive purse money.

(5) In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two (2) or more horses have the same time in the same trial heat, in which case the order of finish shall also determine the preference in qualifying for the finals. Should two (2) or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying positions, then a draw by public lot shall be conducted as directed by the stewards.

(6) Except in the case of a disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.

(7) Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one one-hundredth ($\frac{1}{100}$) of one (1) second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, or other conditions.

(8) Should a malfunction occur with electronic times on any time trials, finalists from that time will then be determined by official hand timing operated by three (3) official and disinterested persons. The average of the three (3) hand times will be utilized for the winning time unless one (1) of the hand times is clearly incorrect. In such cases, the average of the two (2) accurate hand times will be utilized for the winning time.

(Indiana Horse Racing Commission; 71 IAC 7.5-6-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2872, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 7. Violations

71 IAC 7.5-7-1 Horse also suspended

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) If a person is suspended, ruled off, or expelled, every horse owned wholly or in part or leased or trained by that licensee may also be suspended, ruled off, or expelled for the same period of time as the owner or trainer.

(b) Under unusual circumstances or for justifiable reasons, the stewards or commission may shorten the period of suspension time for a horse.

(c) With the approval of the stewards, an owner whose horses are in the care of a suspended trainer may transfer such horses to another licensed trainer. *(Indiana Horse Racing Commission; 71 IAC 7.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2874, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 7.5-7-2 Return money; prizes

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. If any person or persons is suspended, ruled off, or expelled for fraudulent practice in relation to a horse or horses, wholly or in part their property, he or she shall return all money and prizes which such horse or horses has fraudulently won. (*Indiana Horse Racing Commission; 71 IAC 7.5-7-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2874, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-7-3 Fraudulent practices

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) No person shall do any of the following:

- (1) Corruptly give or offer money or share in a bet or other benefit to any person having official duties in relation to a race or to any jockey.
- (2) Having official duties in relation to a race or any jockey, corruptly accept or offer to accept money or share in a bet or any benefit.
- (3) Willfully enter or cause to be entered or start in any race a horse which they know to be disqualified.
- (4) Fraudulently offer or receive any amount of money for scratching a horse out of a race.
- (5) Without making it known to the officials, be a part owner or act as a trainer of any horse in which a jockey possesses any interest.
- (6) Make any bet with or on behalf of a jockey unless the bet is on a horse the jockey is riding.
- (7) Offer or give, except through his or her employer of the owner or trainer of the horse ridden, a jockey any present, money, or other reward in connection with riding in any race.
- (8) Accept a ticket or make a bet on any horse other than the one he or she rides.

(b) If any person is guilty of any corrupt or fraudulent practices, in this or any other jurisdiction, then such person or persons so offending shall be suspended and referred to the commission.

(c) No jockey may accept payment of any kind, directly or indirectly, from any person other than the owner or trainer of the horse the jockey rides for in a race.

(d) If any person is approached with:

- (1) any offer or promise of a bribe or a wager;
- (2) a request for suggestion for a bribe;
- (3) a request or suggestion for any improper, corrupt, or fraudulent act in relation to racing; or
- (4) a request that a race be conducted otherwise than fairly and honestly;

he or she shall report the details thereof immediately to the presiding steward. Persons failing to report such information to the stewards shall be suspended and referred to the commission. (*Indiana Horse Racing Commission; 71 IAC 7.5-7-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2874, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-7-4 Disqualification; purse redistribution

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) In the event any violation of these rules is determined after a race has been completed and the purse has been distributed, the following shall apply:

- (1) If the violation would disqualify a horse or horses, the owner or owners of the horse or horses shall forfeit the purse and any trophy or awards and the remaining horses placed accordingly.
- (2) The purse shall be redistributed according to the final placings.
- (3) In the event the purse has been paid, the owner or owners and the disqualified horse or horses shall stand suspended until all money, trophies, or awards have been returned to the permit holder who shall assume the responsibility of redistributing the purse.
- (4) If there are not enough nonoffending horses, the remaining part of the purse shall go to the declared winner.

(b) In the event a purse is paid in error or is ordered redistributed due to an order of the commission, the owner refusing to return the purse and the horse involved shall stand suspended until all purse monies, trophies, or awards have been returned to the

permit holder who shall assume the responsibility for redistributing the purse.

(c) Nothing in this section shall be construed to require the permit holder to pay the purses or distribute the trophies or awards until they have been returned.

(d) Nothing in this section shall be construed to prevent the commission, in its discretion, from continuing any suspension or penalty made pursuant to these rules for such period of time the commission may determine.

(e) In the event any violation of these rules shall be determined after:

(1) a race has been completed;

(2) the purse has not been distributed; and

(3) an appeal has been filed staying the decision of the stewards;

the stewards shall notify the permit holder who shall distribute the portions of the purse money which were not affected by the decision or the appeal thereof. (*Indiana Horse Racing Commission; 71 IAC 7.5-7-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2875, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-7-5 Designated races

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) In the event a penalty for a riding violation is ten (10) days or less, the jockey may compete in a designated race or races provided the jockey must be named at the time of entry.

(b) For the purpose of this section, a designated race shall mean any stakes, futurity, or futurity trial in any state.

(c) Official rulings for riding infractions of ten (10) days or less shall state: "The term of this suspension shall not prohibit participation in designated races." (*Indiana Horse Racing Commission; 71 IAC 7.5-7-5; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 8. Protests, Objections, and Inquiries

71 IAC 7.5-8-1 Stewards to inquire

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The stewards shall take cognizance of foul riding and, upon their own motion or that of any racing official or person empowered by these rules to object or complain, shall make diligent inquiry or investigation into such objection or complaint when properly received.

(b) In determining the extent of disqualification, the stewards, in their discretion, may:

(1) declare null and void a track record set or equalled by a disqualified horse, or any horses coupled with it as an entry;

(2) affirm the placing judges' order of finish and hold the jockey responsible if, in the stewards' opinion, the foul riding did not affect the order of finish; or

(3) disqualify the offending horse and hold the jockey blameless if, in the stewards' opinion, the interference of another horse in a race was not the result of an intentional foul or careless riding on the part of a jockey.

(*Indiana Horse Racing Commission; 71 IAC 7.5-8-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2875, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-8-2 Race objections

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) An objection to an incident alleged to have occurred during the running of a race shall be received only when lodged with the clerk of scales, the stewards, or their designees by the owner, the authorized agent of the owner, the trainer, or the jockey of a horse engaged in the same race. Any objection by a jockey must be lodged with the clerk of scales or the steward's designee

before the jockey dismounts the horse.

- (b) An objection following the running of any race must be filed before the race is declared official.
- (c) The stewards shall:
 - (1) make all findings of fact as to all matters occurring during and incident to the running of a race;
 - (2) determine all objections and inquiries; and
 - (3) determine the extent of disqualification, if any, of horses in the race.

Such findings of fact and determinations shall be final. (*Indiana Horse Racing Commission; 71 IAC 7.5-8-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2875, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-8-3 Prior objections

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) Objections to the participation of a horse entered in any race shall be made to the stewards in writing, signed by the objector, and filed prior to post time for the first race on the day which the questioned horse is entered. Any such objection shall set forth the specific reason or grounds for the objection in such detail so as to establish probable cause for the objection. The stewards upon their own motion may consider an objection until such time as the horse becomes a starter.

- (b) An objection to a horse which is entered in a race may be made on, but not limited to, the following grounds or reasons:
 - (1) A misstatement, error, or omission in the entry under which a horse is to participate.
 - (2) The horse which is entered to run is not the horse it is represented to be at the time of entry or the age was erroneously given.
 - (3) The horse is not qualified to enter under the conditions specified for the race.
 - (4) The horse is owned in whole or in part or leased or trained by a person ineligible to participate in racing or otherwise ineligible to own a race horse as provided in these rules.
 - (5) The horse was entered without regard to a lien filed previously with the racing secretary.

(c) The stewards may scratch from the race any horse which is the subject of an objection if they have reasonable cause to believe that the objection is valid. (*Indiana Horse Racing Commission; 71 IAC 7.5-8-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2876, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3412; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-8-4 Protests

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) A protest against any horse which has started in a race shall be made to the stewards in writing, signed by the protestor, within seventy-two (72) hours of the race exclusive of nonracing days. If the incident upon which the protest is based occurs within the last two (2) days of the meeting, such protest may be filed with the commission within seventy-two (72) hours exclusive of Saturdays, Sundays, or official holidays. Any such protest shall set forth the specific reason or reasons for the protest in such detail as to establish probable cause for the protest.

- (b) A protest may be made on any of the following grounds:
 - (1) Any grounds for objection as set forth in section 3 of this rule.
 - (2) The order of finish as officially determined by the stewards was incorrect due to oversight or errors in the numbers of the horses which started the race.
 - (3) A jockey, owner, or lessor was ineligible to participate in racing as provided in this article.
 - (4) The horse carried less than the proper weight from post to finish.
 - (5) An unfair advantage was gained in violation of this article.

(c) Notwithstanding any other provision in this article, the time limitation on the filing of protests shall not apply in any case in which fraud or willful misconduct is alleged provided that the stewards are satisfied that the allegations are bona fide and verifiable.

- (d) No person shall file any objection or protest knowing the same to be inaccurate, false, untruthful, or frivolous.
- (e) The stewards may order any purse, award, or prize for any race withheld from distribution pending the determination of

any protest. In the event any purse, award, or prize has been distributed to an owner or for a horse which by reason of a protest or other reason is disqualified or determined to be not entitled to such purse, award, or prize, the stewards or the commission may order such purse, award, or prize returned and redistributed to the rightful owner or horse. Any person who fails to comply with an order to return any purse, award, or prize erroneously distributed shall be subject to fines and suspension. (*Indiana Horse Racing Commission; 71 IAC 7.5-8-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2876, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3412; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 9. Violations and Fines

71 IAC 7.5-9-1 Disorderly conduct; all licensees

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The following shall constitute disorderly conduct and be reason for any penalty of any license as provided by these rules:

- (1) Failure to obey the stewards' orders.
- (2) Fighting.
- (3) Assaults.
- (4) Offensive and profane language.
- (5) Disturbing the peace.

(*Indiana Horse Racing Commission; 71 IAC 7.5-9-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2876, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-9-2 Improper language

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. If any licensed person:

- (1) uses improper language to the racing officials or member of the racing commission or threatens such officials;
- (2) uses profane or indecent language;
- (3) carries or exhibits a deadly weapon; or
- (4) otherwise disturbs the peace of any race track enclosure;

he or she may be ejected, fined, suspended, or referred to the commission for any penalty provided by these rules. (*Indiana Horse Racing Commission; 71 IAC 7.5-9-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-9-3 Payment of fines

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. All fines imposed by the stewards or the commission shall be paid to the commission. Any person failing to pay a fine within seven (7) days may be summarily suspended pending the payment of the fine and may be excluded, their license may be revoked by the commission, or both, unless an appeal has been filed with the commission and is pending. However, when a fine and suspension is imposed by the stewards or commission, the fine shall be due and payable at the time the suspension expires unless otherwise ordered. (*Indiana Horse Racing Commission; 71 IAC 7.5-9-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2419; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-9-4 Must pay own fine

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. No person shall pay the fine of another. (*Indiana Horse Racing Commission; 71 IAC 7.5-9-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 7.5-9-5 Firearms

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. No person, except commission security, track security, and law enforcement officials while engaged in the performance of their official duties, shall possess or discharge any firearm within any race track property. (*Indiana Horse Racing Commission; 71 IAC 7.5-9-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 8. HUMAN AND EQUINE HEALTH

Rule 1. Equine Health; Medication Rules

71 IAC 8-1-1 Medication

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 1. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) dose syringing;
- (4) oral administration;
- (5) tube;
- (6) rectal infusion or suppository;
- (7) inhalation; or
- (8) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions.

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent may be administered at any time prior to a horse's arrival in the paddock. Products containing "caine" derivatives or dimethylsulfoxide (DMSO) are foreign substances and are prohibited. (*Indiana Horse Racing Commission; 71 IAC 8-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-1-2 Foreign substances prohibited

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 2. (a) No horse participating in a race shall carry in its body any foreign substance except as provided by these rules. A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse. The prohibition and allowance of foreign substances in this article shall apply to qualifying races.

(b) Upon the finding of a violation of this section, including test results or an overage of phenylbutazone or furosemide in violation of these rules, the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and any trophy or award. (*Indiana Horse Racing Commission; 71 IAC 8-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-1-3 Foreign substances allowed

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. Phenylbutazone and furosemide, when used in accordance with the test levels and guidelines set forth in sections 4 and 5 of this rule, are permitted foreign substances. (*Indiana Horse Racing Commission; 71 IAC 8-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-1-4 Phenylbutazone as a permitted foreign substance

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. The test level of phenylbutazone under this rule shall not be in excess of five (5) micrograms per milliliter of plasma. (*Indiana Horse Racing Commission; 71 IAC 8-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-1-5 Furosemide as a permitted foreign substance

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. The administration of furosemide shall be permitted for the prophylactic treatment of a confirmed bleeder under the following conditions and guidelines and with the approval of the commission veterinarian:

(1) Bleeder list. In order to obtain approval for the administration of furosemide, the bleeder horse must be placed on the bleeder list. An up-to-date bleeder list shall be maintained by the commission. As used in this rule, "bleeder" means a horse which demonstrates visible external evidence of exercise induced pulmonary hemorrhage or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be performed by or in the presence of a commission veterinarian or racing veterinarian. Only horses which fall under this definition shall be placed on the bleeder list. This subsection shall not apply to horses who, in their last start, received furosemide in another jurisdiction.

(2) Endoscopic examination. The endoscopic examination provided must be conducted within one (1) hour of the finish of the race or exercise in which a horse has participated and bled, and must reveal hemorrhage in the lumen of the respiratory tract. Endoscopic examination under this rule shall be at a time and place set by the commission veterinarian and shall be conducted in his or her presence. A horse that is known to have bled upon an endoscopic examination, but not visibly from the nostrils, shall not be required to qualify, and shall have no waiting period to race. However, a horse required by this article to qualify in order to receive furosemide shall not be entered to race until after it successfully qualifies on furosemide.

(3) Confirmation. The confirmation of a bleeder horse must be certified in writing by the commission veterinarian and entered by him or her on the bleeder list. A copy of certification shall be issued to the owner of the horse or his or her agent upon request.

(4) Age. Every confirmed bleeder regardless of age shall be placed on the bleeder list.

- (5) Removal from list. A horse shall be removed from the bleeder list only upon the direction of the commission veterinarian, who shall certify in writing to the judges his or her recommendations for removal.
- (6) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.
- (7) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission and employed by the owner of the horse or his or her agent and at an intravenous dose level not to exceed two hundred fifty (250) milligrams and no less than one hundred fifty (150) milligrams, and approved by the commission veterinarian. The judges or commission veterinarian may designate certain licensed veterinarians to administer furosemide under this rule. The commission may designate a specific location for the administration of furosemide.
- (8) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The USTA, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.
- (9) Qualifying on furosemide. The following are requirements for qualifying on furosemide:
- (A) Any horse being raced with furosemide at a commercial track for the first time in Indiana, in a race on which there is pari-mutuel wagering, must first race with furosemide in a chartered qualifying race. The chartered live line from such qualifying race is to appear in the daily racing program at the race track at which the horse is raced with furosemide for the first time in Indiana. Notwithstanding the provisions of this clause, a horse whose immediate preceding race is documented by reliable recorded data to have raced on furosemide shall not be required to qualify on furosemide.
 - (B) Once a horse has raced with furosemide, that horse must be administered furosemide every time it subsequently races for a period of not less than ninety (90) consecutive days.
 - (C) After a horse has raced with furosemide for a period of at least ninety (90) consecutive days and the owner or trainer then decides the horse no longer needs furosemide, the owner or trainer may, upon written notice to the judges, cease the use of furosemide. That horse must then subsequently race without furosemide for a period of not less than thirty (30) consecutive days.
 - (D) After a horse raced with furosemide for at least ninety (90) consecutive days and is to be raced for the first time without furosemide, in a race at a track on which there is pari-mutuel racing, the horse must first race without furosemide in a chartered qualifying race. The chartered live line from such a qualifying race must appear in the daily racing program at the race track at which the horse is racing without furosemide, for the first time in Indiana after having raced for at least ninety (90) consecutive days with furosemide.
- (10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood plasma only. Split sample testing shall be quantitative and be performed on blood plasma only.

(Indiana Horse Racing Commission; 71 IAC 8-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1169; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; errata filed Oct 15, 1998, 12:38 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8-1-5.5 Bleeding from nostrils

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5.5. A horse known to have bled from its nostrils for the first time during a race or workout may not be entered or raced during the next ten (10) days without prior approval for racing by the commission veterinarian. If a horse bleeds from its nostrils a second time, the horse shall be placed on the commission veterinarian's list and prohibited from racing for thirty (30) days. If a horse bleeds from its nostrils a third time, the horse shall be placed on the commission veterinarian's list and prohibited from racing

for at least thirty (30) days. A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. The horse may be removed from the commission veterinarian's list by the commission veterinarian after a satisfactory workout. If a horse bleeds from its nostrils a fourth time, the horse is prohibited from racing in Indiana. (*Indiana Horse Racing Commission; 71 IAC 8-1-5.5; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-1-6 Program information

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 6. In order to inform the race track patrons of those horses racing with medication, the permit holder shall indicate in the racing program that a horse is racing with phenylbutazone, furosemide, or both. (*Indiana Horse Racing Commission; 71 IAC 8-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-1-7 Drug classification and penalties

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 7. Upon a finding of a violation of this rule, the judges shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and Model Rule as revised by the ARCI in August 1996 and any other subsequent revision effective after said date, which are incorporated by reference herein, and impose penalties and disciplinary measures consistent with the recommendations contained therein. Provided, however, that in the event a majority of the judges determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the judges wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action. (*Indiana Horse Racing Commission; 71 IAC 8-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Excess Levels of Sodium, Bicarbonate, or pH

71 IAC 8-2-1 General provisions

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 1. An excess level of sodium (Na), bicarbonate (HCO₃), or pH shall be deemed to have an adverse effect on the horse by changing the normal physiological state of the horse. Excess levels of sodium (Na), bicarbonate (HCO₃), or pH in the horse are deemed to be contrary to the best interests of standardbred racing and to the best interests of the welfare of the equine participants and shall be a violation of these rules. (*Indiana Horse Racing Commission; 71 IAC 8-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-2-2 Specific levels requiring scratch

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 2. (a) The judges shall order scratched or disqualified:

- (1) any horse that races or is scheduled to race that registers readings of:
 - (A) bicarbonate (HCO₃) at thirty-six (36) or higher;
 - (B) a pH level at seven and four hundred forty-five thousandths (7.445) or higher; and
 - (C) a sodium (Na) level at one hundred forty-six (146) or higher; or
- (2) any horse on the bleeder's list that races or is scheduled to race that registers readings of:

- (A) bicarbonate (HCO₃) at thirty-eight (38) or higher;
- (B) a pH level at seven and four hundred seventy-thousandths (7.470) or higher; and
- (C) a sodium (Na) level at one hundred forty-eight (148) or higher;

on each of the two (2) tests from a blood gas analyzer when such tests have been conducted by the commission. No horse shall be ordered scratched or disqualified in accordance with the provisions of this section unless at least two (2) of the three (3) readings for bicarbonate (HCO₃), sodium (Na), and pH are equal to or exceed the levels established in this section. The commission shall not be required to test for all three (3) variables. However, if the commission tests for only two (2) variables, both readings must equal or exceed the levels established in this section in order for the judges to scratch or disqualify the horse.

(b) In its discretion, the commission may retest a horse whose first test results are within allowable limits. Should a retest under this situation indicate high levels as provided in subsection (a), the retest shall be considered an initial screening. High levels on a subsequent test as provided in subsection (a) shall be considered a violation of this rule and the horse shall be scratched or disqualified.

(c) The provisions of subsection (a) notwithstanding, the judges shall not order the disqualification of a horse selecting quarantine under these rules if the commission is satisfied on the basis of clear and cogent evidence derived from the testing of the horse's blood during quarantine that such levels are physiologically normal for that specific horse. (*Indiana Horse Racing Commission; 71 IAC 8-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2915; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1502; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2878, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-2-3 Refusal to test

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. Any owner, trainer, or other licensed delegate of any owner or trainer who refuses or fails to permit any horse or horses to be tested when a demand or demands for such testing has been made by an authorized commission official shall have the applicable horse or horses scratched or disqualified by the judges. (*Indiana Horse Racing Commission; 71 IAC 8-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1502; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-2-4 Blood gas analyzer report

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. A finding by an authorized commission employee operating a blood gas analyzer that a test sample taken from a horse contains any substance foreign to the natural horse, including the levels of substance in excess of those established in this rule, shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

- (1) the sample of blood or other acceptable specimen tested by the blood gas analyzer to which it is sent is taken from the horse in question, its integrity is preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the blood gas analyzer, and analyses of the sample are correct and accurate; and
- (3) the report received from the blood gas analyzer pertains to the sample taken from the horse in question and correctly reflects the condition of the horse at the time the sample was done;

with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the judges or the commission. The trainer shall be responsible for promptly notifying the owner of a horse with a blood gas analysis report indicating levels in violation of this rule. (*Indiana Horse Racing Commission; 71 IAC 8-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1502; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-2-4.1 Finding of normal levels

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4.1. For any horse whose levels equal or exceed the levels set forth in section 2 of this rule, it is presumed that the levels are not physiologically normal for that specific horse if the horse:

(1) has been tested by the commission at least twice in the past sixty (60) days; and

(2) has been found to have levels beneath the levels established in section 2 of this rule.

The prior results shall constitute a finding that excessive levels are not physiologically normal for that horse. (*Indiana Horse Racing Commission; 71 IAC 8-2-4.1; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1503; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-2-5 Option to determine normal level

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) The quarantine provisions of this section shall apply only to horses who have not been found under section 4.1 of this rule to have physiologically normal levels beneath the levels established in section 2 of this rule.

(b) If a test sample from a horse contains levels of substance equal to or in excess of the levels in section 2 of this rule, the owner or trainer of that horse contending that such levels are physiologically normal for that specific horse may request the horse be held in approved quarantine on the grounds of the association. Such quarantine shall be in accordance with policies and procedures adopted by the commission and shall be for a period determined by the executive director or the judges, but not greater than five (5) days, and is at the sole expense of the owner or trainer requesting the quarantine. Quarantine security shall be provided by the association per the instruction of the judges. During the quarantine, the horse shall be retested periodically, but it shall not be permitted to race. In addition, during the period of the quarantine the horse may be exercised and trained at times prescribed by the commission. Removal of a horse from quarantine without the permission of the judges shall constitute a waiver of any claim of normally high levels for that specific horse. A request for quarantine shall be made within seventy-two (72) hours of notification of a violation of this rule.

(c) Subsequent to the horse being quarantined and retested, if the commission is satisfied on the basis of clear and cogent evidence derived from the testing of the horse's blood that such levels are physiologically normal for that specific horse, the judges may waive the provisions of this rule and permit the horse to race. Notwithstanding the provisions of subsection (b), the judges shall assess the expense of quarantine to the association if they determine that high blood levels are physiologically normal for that specific horse. In addition, no disciplinary action will be pursued by the judges or the commission against the trainer of any horse found, after quarantine, to have physiologically normal levels in excess of the levels established in section 2 of this rule.

(d) For purposes of this section, clear and cogent evidence shall mean continued and repeated levels in excess of the levels established in section 2 of this rule during the period of quarantine. (*Indiana Horse Racing Commission; 71 IAC 8-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2916; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1503; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2080; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-2-6 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. (a) The trainer or responsible party shall receive a warning for the first violation of this rule. No ruling shall be issued for the first violation of this rule.

(b) The judges shall consider 71 IAC 2-11-1 when determining the penalty for a licensee who commits a second or subsequent violation of this rule or a comparable rule in another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 8-2-6; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1503; emergency rule filed Apr 17, 1995, 4:15 p.m.: 18 IR 2278; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-2-7 Presence of horse in paddock

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 7. The trainer is responsible for having the horse in the paddock, and in their assigned stalls, three (3) hours prior to its scheduled post time. (*Indiana Horse Racing Commission; 71 IAC 8-2-7; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-2-8 Presence of caretaker in paddock

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 8. The trainer is responsible for having a licensed person present in the paddock with the horse until such time that the horse has been identified by the identifier and cleared by the blood gas program administrator. (*Indiana Horse Racing Commission; 71 IAC 8-2-8; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Drug Testing

71 IAC 8-3-1 Laboratory reports

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 1. A finding by a chemist at a commission-approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse, or furosemide, or phenylbutazone in excess of the commission-approved tolerance levels shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

- (1) the sample of urine, saliva, blood, or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question, its integrity is preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and
- (3) the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered;

with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the judges or the commission. (*Indiana Horse Racing Commission; 71 IAC 8-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2916; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-3-2 Pre-race testing

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 2. The judges may require any horse entered to race to submit to a blood or other pre-race test, and no horse is eligible to start in a race until the owner or trainer complies with the required testing procedure. (*Indiana Horse Racing Commission; 71 IAC 8-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-3-3 Selection of horses tested

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 3. (a) The judges, commission veterinarians, a member of the commission, or the executive director of the commission may order a blood test or urine test, or both, on a horse for the purpose of analysis.

(b) A blood specimen or urine specimen, or both, shall be taken from the following horses after the running of each race:

(1) The horse that finishes first in each race.

(2) Any other horses designated by the judges, commission veterinarian, a member of the commission, or the executive director of the commission.

(c) The judges and commission veterinarian shall designate for the taking of such a specimen a horse that races markedly contrary to form. (*Indiana Horse Racing Commission; 71 IAC 8-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-3-4 Taking of samples

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. (a) Blood, urine, saliva, or other samples shall be:

(1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;

(2) taken in a detention area approved by the commission, unless the official veterinarian or judges approves otherwise;

(3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee, and may be witnessed by the owner, trainer, or other licensed person designated by them;

(4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and

(5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission-approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money. (*Indiana Horse Racing Commission; 71 IAC 8-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Split Sample

71 IAC 8-4-1 Collection procedures

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) Before sending a sample from a horse to a testing laboratory, the commission veterinarian or a designated employee shall divide the specimen into two (2) parts.

(c) The commission veterinarian shall collect a minimum of fifty (50) milliliters of urine which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory. The primary testing laboratory shall receive a minimum of fifty (50) milliliters of urine. The commission veterinarian shall collect a minimum of thirty (30) milliliters of blood which shall be divided into two (2) portions, both of which shall be forwarded to the primary laboratory. A urine specimen shall not be split if less than fifty (50) milliliters is collected from horses. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) If the split sample testing laboratory determines that there is insufficient sample volume to make a specific identification of the sample contents, or if an act of God, power failure, accident, labor strike, or any other event beyond the control of the commission or its representatives prevents the split sample from being tested, then the results of tests performed by the primary laboratory shall be considered prima facie evidence of the condition of the horse.

(e) The commission veterinarian shall retain the part of the urine specimen that is not sent to the primary laboratory. The

primary laboratory shall retain a portion of the blood specimen on all positive tests.

(f) If the retained part of a specimen is sent for testing, the commission veterinarian or primary laboratory shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(g) Upon a finding by the primary laboratory of a positive test on a blood sample, the primary laboratory shall handle the split sample in such a manner that hemolysis is minimized. Blood samples shall be mixed and centrifuged and the plasma separated and stored frozen. (*Indiana Horse Racing Commission; 71 IAC 8-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-4-2 Storage and shipment of split samples

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) The commission veterinarian shall store the retained part of a specimen in secure, limited access, frozen storage at a site approved by the commission for the period required by this section.

(b) If the results of the initial test on a specimen are negative, the commission veterinarian or primary laboratory may discard the retained part of the specimen upon receipt of the negative result. If the result of the initial test on a specimen is positive, the commission veterinarian or primary laboratory may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the retained part be sent for split testing.

(c) The identity of the drug or drug metabolites shall be revealed to the split sample laboratory. Communication between the primary and split sample laboratory is limited to the exchange of the analytical method and the threshold level used to confirm the drug's identity. (*Indiana Horse Racing Commission; 71 IAC 8-4-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-4-3 Administrative procedures prior to split sample testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. (a) The results of all tests performed by the primary laboratory are confidential and shall only be communicated to the commission, judges, owner, and trainer. The trainer shall be responsible for promptly notifying the owner of a horse of a positive test as reported by the primary laboratory.

(b) The trainer or owner of a horse for which a positive result on a drug test is returned may request that the judges submit the retained part of the specimen for testing in accordance with this section. The specimen must be tested by a laboratory that is identified on the list of approved laboratories maintained by the commission and acceptable to the following:

(1) The commission.

(2) The primary laboratory.

The request must be in writing and must be delivered to the judges not later than seventy-two (72) hours after the trainer has received notice of a positive test result. Notice of a positive test result may be communicated verbally to the trainer. Failure to request testing of a split sample within seventy-two (72) hours shall constitute a waiver of the right. The split sample laboratory shall be contacted by a representative of the commission to request acceptance of a split sample. The trainer or owner may choose any laboratory on the commission maintained list to test the sample. However, the commission or executive director may limit the choice of laboratory for the detection of specific drugs.

(c) The trainer or owner may elect to waive his or her right to testing of a split sample.

(d) The owner or trainer of a horse who submits a specimen for drug testing is entitled to be present or have a representative present at any time that the retained part of the specimen is prepared for storage or is tested.

(e) The owner or trainer of a horse who submits a specimen for testing to a split sample laboratory must execute a hold harmless agreement for the split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing. The agreements shall remain in the hands of the judges of the state in which the positive was reported.

(f) The trainer or owner may request that negative control samples be tested with the split sample. The identities of the negative control samples and the split sample shall be known only to the commission.

(g) The presence of a drug or drug metabolite in any quantity, excluding phenylbutazone and furosemide, is sufficient for a finding of a positive test. (*Indiana Horse Racing Commission; 71 IAC 8-4-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR*

1173; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2916; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2157; emergency rule filed Jun 22, 1998, 5:05 p.m.: 21 IR 4231; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8-4-4 Administrative procedures subsequent to split sample testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. (a) The split sample laboratory shall send a confidential written report on the result of its tests to the commission which in turn shall send a confidential report to the trainer and owner forthwith.

(b) No action shall be taken against the trainer or owner if the results of split sample testing are negative.

(c) No hearing shall be held concerning the allegations against the trainer or owner, nor shall purse redistribution take place, until split sample testing has been completed and the results of the primary laboratory have been confirmed.

(d) The owner or trainer shall be notified in writing of the:

(1) results of the primary and split sample laboratories in the case of confirmed positives; and

(2) time and place of any administrative hearings resulting from the findings.

(Indiana Horse Racing Commission; 71 IAC 8-4-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8-4-5 Cost of split sample testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) In order for a split sample laboratory to be identified on the list of approved laboratories, it must establish reasonable fees for split sample testing based on their actual cost of testing. Fees for split sample testing shall include the cost of testing negative control samples if requested by the owner or trainer.

(b) The trainer or owner requesting split sample testing and negative control samples shall pay all costs of transporting and conducting tests on the split sample and negative control samples. (Indiana Horse Racing Commission; 71 IAC 8-4-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 5. Practicing Veterinarians

71 IAC 8-5-1 Eligibility

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. Every veterinarian practicing on association premises must be:

(1) licensed by the state veterinarian regulatory authority;

(2) recommended for licensure by the commission veterinarian; and

(3) licensed by the commission.

(Indiana Horse Racing Commission; 71 IAC 8-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8-5-2 Prohibited acts

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) A licensed veterinarian practicing at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.

(b) Veterinarians licensed by the commission as veterinarians are prohibited from placing any wager of money or other things of value directly or indirectly on the outcome of any race conducted at the meeting at which he or she is furnishing professional

service.

(c) No veterinarian shall, within the association grounds, furnish, sell, or loan any hypodermic syringe, needle, or other injection device to any other person within the grounds of an association where race horses are stabled. (*Indiana Horse Racing Commission; 71 IAC 8-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-5-3 Single use syringes

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. The use of other than single use, disposable syringes and infusion tubes on association premises is prohibited. Whenever a veterinarian has a hypodermic needle or syringe he or she shall destroy the needle and syringe and remove it from the association premise. (*Indiana Horse Racing Commission; 71 IAC 8-5-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-5-4 Drug use reports

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. A licensed veterinarian who prescribes or administers any medication or treatment to a horse which the veterinarian considers could affect the racing condition of the horse shall furnish immediately to the horse's trainer and to the judges:

- (1) a written statement setting forth the name of the horse, its trainer, and the type of drug or medication prescribed or administered; and
- (2) the date of the administration or prescription.

(*Indiana Horse Racing Commission; 71 IAC 8-5-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2917; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-5-5 Records of treatment

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) Every veterinarian licensed by the commission who treats any horse or performs other professional services within the enclosure of an organization licensee during a race meeting shall be responsible for maintaining treatment records or a log book on all horses for which they prescribe, administer, or dispense medication or perform other professional services. The treatment records or log book information shall include, but not be limited to, the following:

- (1) The date and time of treatment service.
- (2) Name of race track.
- (3) The veterinarian's printed name and signature.
- (4) The registered name of horse.
- (5) The trainer's name.
- (6) The barn number or location of horse.
- (7) The race date and race number, if any.
- (8) The medication and dosage.
- (9) The reason for treatment or services.

These records shall be current at all times and available to the commission and the judges upon request.

(b) Veterinarians shall retain duplicate copies of bills or statements to trainers or owners which shall be retained for at least one (1) year and made available to the commission upon request.

(c) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) The name of the product.
- (2) The name, address, and telephone number of the veterinarian prescribing or dispensing the product.
- (3) The name of each patient (horse) for whom the product is intended or prescribed.
- (4) The doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product.
- (5) The name of the person (trainer) to whom the product was dispensed.

(Indiana Horse Racing Commission; 71 IAC 8-5-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2917; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2879, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8-5-6 Report of illness

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. Each veterinarian shall report immediately to the judges and the commission veterinarian any illness in a horse entrusted into his or her care presenting unusual or unknown symptoms or a contagious or communicable disease. *(Indiana Horse Racing Commission; 71 IAC 8-5-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 8-5-7 Prohibition of presence in paddock and barn area

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. The commission or, upon delegation, the executive director, may establish a time on race days by which all practicing veterinarians must be out of the paddock and barn area. The executive director or the judges may make policies for exceptions to this provision for emergencies, salix administration, and other appropriate reasons. *(Indiana Horse Racing Commission; 71 IAC 8-5-7; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2538)*

71 IAC 8-5-8 Storage of supplies and drugs

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 8. Storage areas for veterinarian supplies, equipment, and foreign substances, including, but not limited to, narcotics, controlled substances, stimulants, depressants, or other drugs or medications of any type, shall be kept secured by lock and key when left unattended. This requirement specifically includes mobile veterinarian vehicles used on association grounds. *(Indiana Horse Racing Commission; 71 IAC 8-5-8; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 6. Ban on Possession of Drugs

71 IAC 8-6-1 Ban on possession of drugs

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. Except as provided in 71 IAC 8-10, a licensee may not possess a foreign substance that is considered a prescription drug or prescription medication unless it is for an existing condition and is prescribed by a veterinarian. When prescribed by a licensed veterinarian, the supply of such a foreign substance shall be limited:

- (1) by ethical practice consistent with the purposes of this article; and
- (2) to topically or orally administered drugs.

(Indiana Horse Racing Commission; 71 IAC 8-6-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2879, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 7. Contraband

71 IAC 8-7-1 Contraband

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. No person other than a licensed veterinarian shall have in his or her possession within the association grounds any injectable substance or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection. No such person may possess a tube or any other device used as a drench or any device that may be used to administer a drug or medication to a horse. (*Indiana Horse Racing Commission; 71 IAC 8-7-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 8. Postmortem; Disposal of a Dead Horse

71 IAC 8-8-1 Postmortem; disposal of a dead horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) In the event that a horse should die on the premises of a permit holder or elsewhere, the commission veterinarian or the state judge may order an autopsy to be performed on the horse for the purpose of ascertaining the cause of death. In the event that an autopsy is ordered, the cost thereof shall be borne by the commission.

(b) In the event that a horse shall die on the premises of a permit holder, the horse may not be removed from the premises without first obtaining permission to remove the horse, either from the commission veterinarian or the judges. (*Indiana Horse Racing Commission; 71 IAC 8-8-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 9. Veterinarian's List

71 IAC 8-9-1 Veterinarian's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity, or medical condition.

(b) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse has satisfactorily recovered the capability of performing in a race. (*Indiana Horse Racing Commission; 71 IAC 8-9-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 9.1. Accident on the Track

71 IAC 8-9.1-1 Accident on the track

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Any horse that falls or is involved in an accident on the track shall report to the test barn for an examination and emergency treatment by the commission veterinarian or track veterinarian. Such horse may be placed on the veterinarian's list at the discretion of the commission veterinarian. (*Indiana Horse Racing Commission; 71 IAC 8-9.1-1; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1505; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 10. Human Substance Abuse Testing

71 IAC 8-10-1 Use or possession of controlled substance or prescription drugs

Authority: IC 4-31-3-9

Affected: IC 4-31; IC 35-48

Sec. 1. (a) No person holding a license issued by the commission or applying for such license shall have present within his or her body, have in his or her possession as defined, or be under the influence of any controlled substance within the enclosure of any race track or other facility under the control of the commission. Furthermore, no person holding a license issued by the commission or applying for such license shall have in his or her possession any prescription drug within the enclosure of any race track under the control of the commission, except as provided for in subsection (c).

(b) Except as set forth in subsection (c), the fact that any person charged with a violation of this rule is or has been lawfully entitled to use alcohol or a controlled substance or prescription drugs shall not constitute a defense against any charge of violating this rule.

(c) A licensee at a race track may possess a prescription drug for use on the licensee's own person if:

(1) it is prohibited from being dispensed by Indiana or federal law without a prescription;

(2) the licensee is in possession of documentary evidence that a valid prescription for the substance has been issued to the licensee; and

(3) the licensee has filed with the presiding judge a sworn statement clearly describing the prescription drug and its intended use.

(Indiana Horse Racing Commission; 71 IAC 8-10-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1669, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8-10-2 Applicant and licensee subject to testing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Each licensee at a race track or other facility under the control of the commission or applicant for a license may be subject to a urine test at any time while within the enclosure of any race track or other facility under the control of the commission at the direction of the executive director, the judges, or the commission director of security if there is reasonable suspicion to believe that such licensee is possessing or using any controlled substance or any drug in violation of any federal or state law. Failure to submit to or complete a urine test at the time, location, and manner directed by commission personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete such a test shall be immediately suspended for sixty (60) days and shall not be allowed to participate at any race track under the control of the commission until a negative test result is achieved. Any applicant who fails to submit to such a test when requested to do so shall be refused or denied a license. *(Indiana Horse Racing Commission; 71 IAC 8-10-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176, emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2414; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 8-10-3 Reasonable suspicion selection

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) Applicants for a license or a licensee may be selected at any time while within the enclosure for testing on a reasonable suspicion basis.

(b) Reasonable suspicion. When determining whether there is reasonable suspicion to require testing, the judges may consider, but are not limited to, any of the following factors:

(1) Unexplained or continued rule violations which have a detrimental effect on racing.

(2) Involvement in any accident which causes injury to person or animal at the track as well as any near accident which created a clear danger of accident or injury to person or animal at the track.

(3) Willful conduct detrimental to horse racing as evidenced by continued rule violations, other disciplinary problems,

behavioral problems, disturbances, or other similar conduct at the track.

(4) Observable physical or emotional impairment at the track.

(5) Involvement in a race of questionable outcome or circumstance as determined by the judges in the exercise of their expertise.

(6) Willful abuse of animal or person who is engaged in a race, work, or exercise at the track.

(7) Prior positive test or tests in this or other jurisdictions, excluding those where a valid legal prescription has been revealed.

(8) Performance of prescribed duties in a manner which indicates a best effort to win is not present at the track.

(9) Information supplied by:

(A) a law enforcement agency;

(B) the USTA;

(C) the ARCI; or

(D) the horse racing commission of any state or country;

which is verified in writing relating to drug or alcohol abuse, or both.

(10) Any other physical conduct at the track which can be documented which would indicate reasonable grounds to believe the existence of, dependence on, possession of, or usage of:

(A) a controlled substance; or

(B) an alcohol violation.

(11) Refusal to provide a urine sample when requested to do so within this section.

(12) Recent arrest or pending criminal charges regarding the sale, possession, manufacture, cultivation, or use of illegal drugs.

(Indiana Horse Racing Commission; 71 IAC 8-10-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2414; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8-10-4 Taking of samples

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. Any applicant or licensee selected by direction of the judges, commission personnel, or their designee, who is requested to submit to a urine test shall, without undue delay, at a location and in the manner prescribed by the commission provide the urine sample. *(Indiana Horse Racing Commission; 71 IAC 8-10-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 8-10-5 Positive sample results

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) A positive test result attained shall be reported in writing to the commission director of security or his or her designee from the laboratory performing the test analysis. A positive test result confirming the presence of any controlled substance or prescription drugs shall be prima facie evidence that there has been a violation of section 1 of this rule. In the event of such a positive test, it is presumed that:

(1) the sample of urine tested by the laboratory to which it is sent is taken from the person and its integrity has been preserved;

(2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and

(3) the report received from the laboratory pertains to the sample taken from the person in question and correctly reflects the condition of the person at the time that the sample was given.

With respect to the presumptions set forth in this subsection, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter which is conducted by the judges or by the commission.

(b) Upon receipt of written notice from the testing laboratory that a specimen has been found positive for a controlled substance or a prescription drug, the commission director of security or his or her designee shall, as quickly as possible, notify the licensed person by:

(1) public service;

(2) in person; or
(3) by certified mail, return receipt requested;
of the positive test.

(c) An association that has obtained a positive test result confirming the presence of any controlled substance in an association employee, who is a licensee or an applicant for a license, shall notify the commission director of security or his or her designee and the affected employee as quickly as possible. (*Indiana Horse Racing Commission; 71 IAC 8-10-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2109; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-10-6 Penalties

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. (a) Upon a finding of a positive test, the judges or commission shall, to the extent of its regulatory authority, impose the following sanctions:

(1) For a licensee's first violation, he or she shall be suspended for thirty (30) days and shall be subject to a mandatory drug retest after thirty (30) days from the first violation of this article. Such additional drug test shall be done by the commission testing laboratory at the licensee's expense. Until such retest achieves negative results, the licensee shall remain suspended.

(2) For a second violation, the licensee shall be suspended for a minimum of sixty (60) days and shall be required to enroll in a substance abuse treatment program approved by the commission. It shall be the licensee's responsibility to provide the commission with written notice of his or her enrollment, weekly status reports, and written notice that he or she has successfully completed the program and has been discharged. The licensee shall remain suspended until the requirements have been fulfilled or for a period of not less than sixty (60) days, whichever is greater. The requirements shall include an additional drug test with negative results. Such test shall be under the supervision or approval of the commission.

(3) For a third violation, the licensee will receive a mandatory suspension of his or her license for a period of one (1) year and shall not be eligible to reapply for his or her license until the applicant pays for and submits to two (2) urine samples thirty (30) days apart with both samples failing to show any trace of a controlled substance or prescription drug. All such samples shall be obtained and tested by the commission or approved by the commission at a location and in a manner prescribed by the commission and at the expense of the licensee. After the licensee has received two (2) negative tests, he or she may reapply for a license unless his or her continuing participation at a race meeting shall be deemed by the commission director of security or his or her designee to be detrimental to the best interest of horse racing.

(b) Prior human controlled substance or prescription drug violations reflected on a person's racing record from any jurisdiction recognized by the commission, including Indiana, shall be counted as violations when determining appropriate penalties as set forth in subsection (a).

(c) In determining the penalty to impose for an offense covered by this rule, the judges or the commission may consider any mitigating and/or exacerbating circumstances and make an appropriate adjustment to the penalties which are set forth in subsection (a). (*Indiana Horse Racing Commission; 71 IAC 8-10-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2163; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 11. Prohibition of Alcohol

71 IAC 8-11-1 Prohibited use or presence of alcohol within the enclosure

Authority: IC 4-31-3-9
Affected: IC 4-31-8-4

Sec. 1. (a) No racing official or driver during or prior to the performance of his or her duties shall consume any alcoholic beverage within the enclosure of any race track under the control of the commission.

(b) No racing official, driver, trainer, groom, or other licensee attending to horses or within a restricted area of any race track under the control of the commission shall have present within his or her body any amount of alcohol in excess of five-hundredths

of one percent (.05%) by weight in grams in one hundred (100) milliliters of the person's blood, or in two hundred ten (210) liters of the person's breath.

(c) The fact that any person charged with a violation of this rule is or has been otherwise lawfully entitled to use or consume an alcoholic beverage shall not constitute a defense against any charge of violating this rule. (*Indiana Horse Racing Commission; 71 IAC 8-11-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2415; errata filed Mar 5, 1998, 1:45 p.m.: 21 IR 2392; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-11-2 Licensee subject to testing; positive sample results

Authority: IC 4-31-3-9
Affected: IC 4-31-8-4

Sec. 2. A permit holder shall provide an alcohol breath testing device that is approved by the commission and operated by a person certified to use such a device. All drivers, judges, starters, and drivers of starting gates shall submit to a breath test at each program in which they participate. In addition, the racing secretary, the judges, the commission director of security, or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test. A positive test result as defined by 71 IAC 8.5-11-1(b) shall be prima facie evidence that there has been a violation of 71 IAC 8.5-11-1. In the event of such positive test, it is presumed that:

- (1) the breath sample tested is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection and analysis of this sample are correct and accurate; and
- (3) the report issued by the commission pertains to the sample taken from the person in question correctly reflects the condition of the person at the time of the sample was given.

With respect to the presumptions set forth in this section, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter which is conducted by the stewards or by the commission. (*Indiana Horse Racing Commission; 71 IAC 8-11-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8-11-3 Penalties

Authority: IC 4-31-3-9
Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. (a) A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood shall be summarily suspended under the rules of the commission and subject to any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(b) The judges may relieve a licensee of any duties for that day should that person show a reading between one-hundredths of one percent (0.01%) and five-hundredths of one percent (0.05%) by weight of alcohol in a person's blood.

(c) The permit holder's security department shall immediately inform the judges of any reading of one-hundredths [*sic.*, one-hundredth] of one percent (0.01%) or and [*sic.*] above. (*Indiana Horse Racing Commission; 71 IAC 8-11-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2082; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2538*)

71 IAC 8-11-4 Refusal or failure to be tested

Authority: IC 4-31-3-9
Affected: IC 4-31-8-4

Sec. 4. The judges shall, on behalf of the commission, impose the following sanctions against a licensee who refuses or fails to submit to or complete a breath test:

- (1) For the first refusal or failure, a civil penalty of one hundred dollars (\$100) and a seven (7) day suspension.
- (2) For a second refusal or failure, a civil penalty of two hundred fifty dollars (\$250) and a thirty (30) day suspension.

(3) For any additional refusals or failures to submit to a breath test, a civil penalty of two hundred fifty dollars (\$250), a sixty (60) day suspension, and referral of the case to the commission for any further action that the commission considers necessary. *(Indiana Horse Racing Commission; 71 IAC 8-11-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1178; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1672, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

ARTICLE 8.5. FLAT RACING; HUMAN AND EQUINE HEALTH

Rule 1. Equine Health; Medication Rules

71 IAC 8.5-1-1 Medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1.5, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) dose syringing;
- (4) oral administration;
- (5) tube;
- (6) rectal infusion or suppository;
- (7) inhalation; or
- (8) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions.

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics, which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent, may be administered at any time prior to a horse's arrival in the paddock. Products containing "caine" derivatives or dimethylsulfoxide (DMSO) are foreign substances and are prohibited. *(Indiana Horse Racing Commission; 71 IAC 8.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2419; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 8.5-1-2 Foreign substances prohibited

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) No horse participating in a race shall carry in its body any foreign substance except as provided by these rules. A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse.

(b) Upon a finding of a violation of this section, including test results or an overage of phenylbutazone or furosemide in violation of these rules, the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and

any trophy or award. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-1-3 Foreign substances allowed

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. Phenylbutazone and furosemide, when used in accordance with the test levels and guidelines set forth in sections 4 and 5 of this rule, are permitted foreign substances. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2420; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-1-4 Phenylbutazone as a permitted foreign substance

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. The test level of phenylbutazone under this rule shall not be in excess of five (5) micrograms per milliliter of plasma. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-1-5 Furosemide as a permitted foreign substance

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. The administration of furosemide shall be permitted for the prophylactic treatment of a confirmed bleeder under the following conditions and guidelines and with the approval of the commission veterinarian:

(1) Bleeder list. In order to obtain approval for the administration of furosemide, the bleeder horse must be placed on the bleeder list. An up-to-date bleeder list shall be maintained by the commission. As used in this rule, "bleeder" means a horse which demonstrates visible external evidence of exercise induced pulmonary hemorrhage or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be performed by or in the presence of a commission veterinarian or racing veterinarian. Only horses which fall under this definition shall be placed on the bleeder list. This subsection shall not apply to horses who, in their last start, received furosemide in another jurisdiction.

(2) Endoscopic examination. The endoscopic examination provided must be conducted within one (1) hour of the finish of the race or exercise in which a horse has participated and bled, and must reveal hemorrhage in the lumen of the respiratory tract. Endoscopic examination under this rule shall be at a time and place set by the commission veterinarian and shall be conducted in his or her presence. A horse that is known to have bled upon an endoscopic examination, but not visibly from the nostrils.

(3) Confirmation. The confirmation of a bleeder horse must be certified in writing by the commission veterinarian and entered by him or her on the bleeder list. A copy of certification shall be issued to the owner of the horse or his or her agent upon request.

(4) Age. Every confirmed bleeder regardless of age shall be placed on the bleeder list.

(5) Removal from list. A horse shall be removed from the bleeder list only upon the direction of the commission veterinarian, who shall certify in writing to the stewards his or her recommendations for removal.

(6) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(7) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission and employed by the owner of the horse or his or her agent and at an intravenous dose level not to exceed two hundred fifty (250) milligrams and no less than one hundred fifty (150) milligrams, and approved by the commission veterinarian. The stewards or commission veterinarian may designate certain licensed veterinarians to administer furosemide under this rule. The commission may designate a specific location for the administration of furosemide.

(8) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The Daily Racing Form, Equibase, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(9) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood plasma only. Split sample testing shall be quantitative and be performed on blood plasma only.

(Indiana Horse Racing Commission; 71 IAC 8.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2420; errata filed Oct 15, 1998, 12:39 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8.5-1-5.5 Bleeding from nostrils

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5.5. A horse known to have bled from its nostrils for the first time during a race or workout may not be entered or raced during the next ten (10) days without prior approval for racing by the commission veterinarian. If a horse bleeds from its nostrils a second time, the horse shall be placed on the commission veterinarian's list and prohibited from racing for thirty (30) days. If a horse bleeds from its nostrils a third time, the horse shall be placed on the commission veterinarian's list and prohibited from racing for at least thirty (30) days. A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. The horse may be removed from the commission veterinarian's list by the commission veterinarian after a satisfactory workout. If a horse bleeds from its nostrils a fourth time, the horse is prohibited from racing in Indiana. *(Indiana Horse Racing Commission; 71 IAC 8.5-1-5.5; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 8.5-1-6 Program information

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. In order to inform the race track patrons of those horses racing with medication, the permit holder shall indicate in the racing program that a horse is racing with phenylbutazone, furosemide, or both. *(Indiana Horse Racing Commission; 71 IAC 8.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2881, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 8.5-1-7 Drug classification and penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. Upon a finding of a violation of this rule, the stewards shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and Model Rule as revised by the ARCI in August 1996 and any other subsequent revision effective after said date, which are incorporated by reference herein, and impose penalties and disciplinary measures consistent with the recommendations contained therein. Provided, however, that in the event a majority of the stewards determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the stewards wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action. *(Indiana Horse Racing Commission; 71 IAC 8.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2881, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 2. Drug Testing

71 IAC 8.5-2-1 Laboratory reports

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. A finding by a chemist at a commission-approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse, or furosemide, or phenylbutazone in excess of the commission-approved tolerance levels shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

(1) the sample of urine, saliva, blood, or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question, its integrity is preserved;

(2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and

(3) the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered;

with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the stewards or the commission. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-2-2 Pre-race testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. The stewards may require any horse entered to race to submit to a blood or other pre-race test, and no horse is eligible to start in a race until the owner or trainer complies with the required testing procedure. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-2-3 Selection of horses tested

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. (a) The stewards, commission veterinarians, a member of the commission, or the executive director of the commission may order a blood test or urine test, or both, on a horse for the purpose of analysis.

(b) A blood specimen or urine specimen, or both, shall be taken from the following horses after the running of each race:

(1) The horse that finishes first in each race.

(2) Any other horses designated by the stewards, commission veterinarian, a member of the commission, or the executive director of the commission.

(c) The stewards and commission veterinarian shall designate for the taking of such a specimen a horse that races markedly contrary to form. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-2-4 Taking of samples

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. (a) Blood, urine, saliva, or other samples shall be:

(1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;

(2) taken in a detention area approved by the commission unless the official veterinarian or stewards approves otherwise;

- (3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee and may be witnessed by the owner, trainer, or other licensed person designated by them;
- (4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and
- (5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission-approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Split Sample

71 IAC 8.5-3-1 Collection procedures

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) Before sending a sample from a horse to a testing laboratory, the commission veterinarian or a designated employee shall divide the specimen into two (2) parts.

(c) The commission veterinarian shall collect a minimum of fifty (50) milliliters of urine which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory. The primary testing laboratory shall receive a minimum of fifty (50) milliliters of urine. The commission veterinarian shall collect a minimum of thirty (30) milliliters of blood which shall be divided into two (2) portions, both of which shall be forwarded to the primary laboratory. A urine specimen shall not be split if less than fifty (50) milliliters is collected from horses. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) If the split sample testing laboratory determines that there is insufficient sample volume to make a specific identification of the sample contents, or if an act of God, power failure, accident, labor strike, or any other event beyond the control of the commission or its representatives prevents the split sample from being tested, then the results of tests performed by the primary laboratory shall be considered prima facie evidence of the condition of the horse.

(e) The commission veterinarian shall retain the part of the urine and blood specimen that is not sent to the primary laboratory.

(f) If the retained part of a specimen is sent for testing, the commission veterinarian shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(g) Blood samples shall be centrifuged and stored frozen. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-3-2 Storage and shipment of split samples

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) The commission veterinarian shall store the retained part of a specimen in secure, limited access, frozen storage at a site approved by the commission for the period required by this section.

(b) If the results of the initial test on a specimen are negative, the commission veterinarian may discard the retained part of the specimen upon receipt of the negative result. If the result of the initial test on a specimen is positive, the commission veterinarian may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the

retained part be sent for split testing.

(c) The identity of the drug or drug metabolites shall be revealed to the split sample laboratory. Communication between the primary and split sample laboratory is limited to the exchange of the analytical method and the threshold level used to confirm the drug's identity. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-3-3 Administrative procedures prior to split sample testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. (a) The results of all tests performed by the primary laboratory are confidential and shall only be communicated to the commission, stewards, owner, and trainer. The trainer shall be responsible for promptly notifying the owner of a horse of a positive test as reported by the primary laboratory.

(b) The trainer or owner of a horse for which a positive result on a drug test is returned may request that the stewards submit the retained part of the specimen for testing in accordance with this section. The specimen must be tested by a laboratory that is identified on the list of approved laboratories maintained by the commission and acceptable to the following:

(1) The commission.

(2) The primary laboratory.

The request must be in writing and must be delivered to the stewards not later than seventy-two (72) hours after the trainer has received notice of a positive test result. Notice of a positive test result may be communicated verbally to the trainer. Failure to request testing of a split sample within seventy-two (72) hours shall constitute a waiver of the right. The split sample laboratory shall be contacted by a representative of the commission to request acceptance of a split sample. The trainer or owner may choose any laboratory on the commission maintained list to test the sample. However, the commission or executive director may limit the choice of laboratory for the detection of specific drugs.

(c) The trainer or owner may elect to waive his or her right to testing of a split sample.

(d) The owner or trainer of a horse who submits a specimen for drug testing is entitled to be present or have a representative present at any time that the retained part of the specimen is prepared for storage or is tested.

(e) The owner or trainer of a horse who submits a specimen for testing to a split sample laboratory must execute a hold harmless agreement for the split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing. The agreements shall remain in the hands of the stewards of the state in which the positive was reported.

(f) The trainer or owner may request that negative control samples be tested with the split sample. The identities of the negative control samples and the split sample shall be known only to the commission.

(g) The presence of a drug or drug metabolite in any quantity, excluding phenylbutazone and furosemide, is sufficient for a finding of a positive test. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2157; emergency rule filed Jun 22, 1998, 5:08 p.m.: 21 IR 4232; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-3-4 Administrative procedures subsequent to split sample testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. (a) The split sample laboratory shall send a confidential written report on the result of its tests to the commission which in turn shall send a confidential report to the trainer and owner forthwith.

(b) No action shall be taken against the trainer or owner if the results of split sample testing are negative.

(c) No hearing shall be held concerning the allegations against the trainer or owner, nor shall purse redistribution take place, until split sample testing has been completed and the results of the primary laboratory have been confirmed.

(d) The owner or trainer shall be notified in writing of the:

(1) results of the primary and split sample laboratories in the case of confirmed positives; and

(2) time and place of any administrative hearings resulting from the findings.

(*Indiana Horse Racing Commission; 71 IAC 8.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-3-5 Cost of split sample testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) In order for a split sample laboratory to be identified on the list of approved laboratories, it must establish reasonable fees for split sample testing based on their actual cost of testing. Fees for split sample testing shall include the cost of testing negative control samples if requested by the owner or trainer.

(b) The trainer or owner requesting split sample testing and negative control samples shall pay all costs of transporting and conducting tests on the split sample and negative control samples. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Practicing Veterinarians

71 IAC 8.5-4-1 Eligibility

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. Every veterinarian practicing on association premises must be:

- (1) licensed by the veterinary medical examining board;
- (2) recommended for licensure by the commission veterinarian; and
- (3) licensed by the commission.

(*Indiana Horse Racing Commission; 71 IAC 8.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-4-2 Prohibited acts

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) A licensed veterinarian practicing at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.

(b) Veterinarians licensed by the commission as veterinarians are prohibited from placing any wager of money or other things of value directly or indirectly on the outcome of any race conducted at the meeting at which he or she is furnishing professional service.

(c) No veterinarian shall, within the association grounds, furnish, sell, or loan any hypodermic syringe, needle, or other injection device to any other person within the grounds of an association where race horses are stabled. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3414; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-4-3 Single use syringes

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. The use of other than single use, disposable syringes and infusion tubes on association premises is prohibited. Whenever a veterinarian has a hypodermic needle or syringe, he or she shall destroy the needle and syringe and remove it from the association premise. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-4-4 Drug use reports

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. A licensed veterinarian who prescribes or administers any medication or treatment to a horse which the veterinarian considers could affect the racing condition of the horse shall furnish immediately to the horse's trainer and to the stewards:

- (1) a written statement setting forth the name of the horse, its trainer, and the type of drug or medication prescribed or administered; and
- (2) the date of the administration or prescription.

(Indiana Horse Racing Commission; 71 IAC 8.5-4-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8.5-4-5 Records of treatment

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 5. (a) Every veterinarian licensed by the commission who treats any horse or performs other professional services within the enclosure of an organization licensee during a race meeting shall be responsible for maintaining treatment records or a log book on all horses for which they prescribe, administer, or dispense medication or perform other professional services. The treatment records or log book information shall include, but not be limited to, the following:

- (1) The date and time of treatment service.
- (2) Name of race track.
- (3) The veterinarian's printed name and signature.
- (4) The registered name of horse.
- (5) The trainer's name.
- (6) The barn number or location of horse.
- (7) The race date and race number, if any.
- (8) The medication and dosage.
- (9) The reason for treatment or services.

These records shall be current at all times and available to the commission and the stewards upon request. These records shall be retained for at least one (1) year after the conclusion of the race meet and be made available to the commission and stewards upon request.

(b) Veterinarians shall retain duplicate copies of bills or statements to trainers or owners which shall be retained for at least one (1) year and made available to the commission upon request.

(c) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) The name of the product.
- (2) The name, address, and telephone number of the veterinarian prescribing or dispensing the product.
- (3) The name of each patient (horse) for whom the product is intended or prescribed.
- (4) The doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product.
- (5) The name of the person (trainer) to whom the product was dispensed.

(Indiana Horse Racing Commission; 71 IAC 8.5-4-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8.5-4-6 Report of illness

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 6. Each veterinarian shall report immediately to the stewards and the commission veterinarian any illness in a horse entrusted into his or her care presenting unusual or unknown symptoms or a contagious or communicable disease. *(Indiana Horse Racing Commission; 71 IAC 8.5-4-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 8.5-4-7 Storage of supplies and drugs

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. Storage areas for veterinarian supplies, equipment, and foreign substances, including, but not limited to, narcotics, controlled substances, stimulants, depressants, or other drugs or medications of any type, shall be kept secured by lock and key when left unattended. This requirement specifically includes mobile veterinarian vehicles used on association grounds. *(Indiana Horse Racing Commission; 71 IAC 8.5-4-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 5. Ban on Possession of Drugs

71 IAC 8.5-5-1 Ban on possession of drugs

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. Except as provided in 71 IAC 8.5-10, a licensee may not possess a foreign substance that is considered a prescription drug or prescription medication unless it is for an existing condition and is prescribed by a veterinarian. When prescribed by a licensed veterinarian, the supply of such a foreign substance shall be limited:

(1) by ethical practice consistent with the purposes of this article; and

(2) to topically or orally administered drugs.

(Indiana Horse Racing Commission; 71 IAC 8.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 6. Contraband

71 IAC 8.5-6-1 Contraband

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. No person other than a licensed veterinarian shall have in his or her possession within the association grounds any injectable substance or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection. No such person may possess a tube or any other device used as a drench or any device that may be used to administer a drug or medication to a horse. *(Indiana Horse Racing Commission; 71 IAC 8.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 7. Postmortem; Disposal of a Dead Horse

71 IAC 8.5-7-1 Postmortem; disposal of a dead horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) In the event that a horse should die on the premises of a permit holder or elsewhere, the commission veterinarian or the state steward may order an autopsy to be performed on the horse for the purpose of ascertaining the cause of death. In the event that an autopsy is ordered, the cost thereof shall be borne by the commission.

(b) In the event that a horse shall die on the premises of a permit holder, the horse may not be removed from the premises without first obtaining permission to remove the horse, either from the commission veterinarian or the stewards. *(Indiana Horse Racing Commission; 71 IAC 8.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 8. Veterinarian's List

71 IAC 8.5-8-1 Veterinarian's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity, or medical condition.

(b) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse has satisfactorily recovered the capability of performing in a race. *(Indiana Horse Racing Commission; 71 IAC 8.5-8-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 9. Accident on Track

71 IAC 8.5-9-1 Accident on track

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Any horse that falls or is involved in an accident on the track shall report to the test barn for an examination and emergency treatment by the commission veterinarian or track veterinarian. Such horse may be placed on the veterinarian's list at the discretion of the commission veterinarian. *(Indiana Horse Racing Commission; 71 IAC 8.5-9-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 10. Human Substance Abuse Testing

71 IAC 8.5-10-1 Use or possession of controlled substance or prescription drugs

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) No person holding a license issued by the commission or applying for such license shall have present within his or her body, have in his or her possession, or be under the influence of any controlled substance within the enclosure of any race track or other facility under the control of the commission. Furthermore, no person holding a license issued by the commission or applying for such license shall have in his or her possession any prescription drug within the enclosure of any race track under the control of the commission, except as provided for in subsection (c).

(b) Except as set forth in subsection (c), the fact that any person charged with a violation of this rule is or has been lawfully entitled to use alcohol or a controlled substance or prescription drugs shall not constitute a defense against any charge of violating this rule.

(c) A licensee at a race track may possess a prescription drug for use on the licensee's own person if:

(1) it is prohibited from being dispensed by Indiana or federal law without a prescription; and

(2) the licensee is in possession of documentary evidence that a valid prescription for the substance has been issued to the licensee; and

(3) the licensee has filed with the presiding steward a sworn statement clearly describing the prescription drug and its intended use.

(Indiana Horse Racing Commission; 71 IAC 8.5-10-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2783; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8.5-10-2 Applicant and licensee subject to testing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Each licensee at a race track or other facility under the control of the commission or applicant for a license may be subject to a urine test at any time while within the enclosure of any race track or other facility under the control of the commission at the direction of the executive director, the stewards, or the commission director of security if there is reasonable suspicion to believe that such licensee is possessing or using any controlled substance or any drug in violation of any federal or state law. Failure to submit to or complete a urine test at the time, location, and manner directed by commission personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete such a test shall be immediately suspended for sixty (60) days and shall not be allowed to participate at any race track under the control of the commission until a negative test result is achieved. Any applicant who fails to submit to such a test when requested to do so shall be refused or denied a license. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2422; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2783; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-10-3 Reasonable suspicion selection

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) Applicants for a license or a licensee may be selected at any time while within the enclosure for testing on a reasonable suspicion basis.

(b) Reasonable suspicion. When determining whether there is reasonable suspicion to require testing, the stewards may consider, but are not limited to, any of the following factors:

- (1) Unexplained or continued rule violations which have a detrimental effect on racing.
- (2) Involvement in any accident which causes injury to person or animal at the track as well as any near accident which created a clear danger of accident or injury to person or animal at the track.
- (3) Willful conduct detrimental to horse racing as evidenced by continued rule violations, other disciplinary problems, behavioral problems, disturbances, or other similar conduct at the track.
- (4) Observable physical or emotional impairment at the track.
- (5) Involvement in a race of questionable outcome or circumstance as determined by the stewards in the exercise of their expertise.
- (6) Willful abuse of animal or person who is engaged in a race, work, or exercise at the track.
- (7) Prior positive test or tests in this or other jurisdictions, excluding those where a valid legal prescription has been revealed.
- (8) Performance of prescribed duties in a manner which indicates a best effort to win is not present at the track.
- (9) Information supplied by:
 - (A) a law enforcement agency;
 - (B) the ARCI; or
 - (C) the horse racing commission of any state or country;which is verified in writing relating to drug or alcohol abuse, or both.
- (10) Any other physical conduct at the track which can be documented which would indicate reasonable grounds to believe the existence of, dependence on, possession of, or usage of:
 - (A) a controlled substance; or
 - (B) an alcohol violation.
- (11) Refusal to provide a urine sample when requested to do so within this section.

(12) Recent arrest or pending criminal charges regarding the sale, possession, manufacture, cultivation or use of illegal drugs. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2894; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2422; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-10-4 Taking of samples

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. Any applicant or licensee selected by direction of the stewards, commission personnel, or their designee, who is

requested to submit to a urine test shall, without undue delay, at a location and in the manner prescribed by the commission provide the urine sample. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-10-5 Positive sample results

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) A positive test result attained shall be reported in writing to the commission director of security or his or her designee from the laboratory performing the test analysis. A positive test result confirming the presence of any controlled substance or prescription drugs shall be prima facie evidence that there has been a violation of section 1 of this rule. In the event of such a positive test, it is presumed that:

- (1) the sample of urine tested by the laboratory to which it is sent is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and
- (3) the report received from the laboratory pertains to the sample taken from the person in question and correctly reflects the condition of the person at the time that the sample was given.

With respect to the presumptions set forth in this subsection, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter which is conducted by the stewards or by the commission.

(b) Upon receipt of written notice from the testing laboratory that a specimen has been found positive for a controlled substance or a prescription drug, the commission director of security or his or her designee shall, as quickly as possible, notify the licensed person by:

- (1) public service;
- (2) in person; or
- (3) by certified mail, return receipt requested;

of the positive test.

(c) An association that has obtained a positive test result confirming the presence of any controlled substance in an association employee, who is a licensee or an applicant for a license, shall notify the commission director of security or his or her designee and the affected employee as quickly as possible. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2784; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-10-6 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Upon a finding of a positive test, the stewards or commission shall, to the extent of its regulatory authority, impose the following sanctions:

- (1) For a licensee's first violation, he or she shall be suspended for thirty (30) days and shall be subject to a mandatory drug retest after thirty (30) days from the first violation of this article. Such additional drug test shall be done by the commission testing laboratory at the licensee's expense. Until such retest achieves negative results, the licensee shall remain suspended.
- (2) For a second violation, the licensee shall be suspended for a minimum of sixty (60) days and shall be required to enroll in a substance abuse treatment program approved by the commission. It shall be the licensee's responsibility to provide the commission with written notice of his or her enrollment, weekly status reports, and written notice that he or she has successfully completed the program and has been discharged. The licensee shall remain suspended until the requirements have been fulfilled or for a period of not less than sixty (60) days, whichever is greater. The requirements shall include an additional drug test with negative results. Such test shall be under the supervision or approval of the commission.
- (3) For a third violation, the licensee will receive a mandatory suspension of his or her license for a period of sixty (60) days and referred to the commission for any further penalty deemed appropriate. The person shall not be eligible to reapply for his or her license until the applicant pays for and submits to two (2) urine samples thirty (30) days apart with both samples failing to show any trace of a controlled substance or prescription drug. All such samples shall be obtained and tested by the

commission or approved by the commission at a location and in a manner prescribed by the commission and at the expense of the licensee. After the licensee has received two (2) negative tests, he or she may reapply for a license unless his or her continuing participation at a race meeting shall be deemed by the commission director of security or his or her designee to be detrimental to the best interest of horse racing.

(b) Prior human controlled substance or prescription drug violations reflected on a person's racing record from any jurisdiction recognized by the commission, including Indiana, shall be counted as violations when determining appropriate penalties as set forth in subsections (a).

(c) In determining the penalty to impose for an offense covered by this rule, the stewards or the commission may consider any mitigating and/or exacerbating circumstances and make an appropriate adjustment to the penalties which are set forth in subsection (a). (*Indiana Horse Racing Commission; 71 IAC 8.5-10-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2158; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2784; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 11. Prohibition of Alcohol

71 IAC 8.5-11-1 Prohibited use or presence of alcohol within the enclosure

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 1. (a) No racing official or jockey during or prior to the performance of his or her duties shall consume any alcoholic beverage within the enclosure of any race track under the control of the commission.

(b) No racing official, jockey, trainer, groom, or other licensee attending to horses or within a restricted area of any race track under the control of the commission shall have present within his or her body any amount of alcohol in excess of five-hundredths of one percent (.05%) by weight in grams in one hundred (100) milliliters of the person's blood, or in two hundred ten (210) liters of the person's breath.

(c) The fact that any person charged with a violation of this rule is or has been otherwise lawfully entitled to use or consume an alcoholic beverage shall not constitute a defense against any charge of violating this rule. (*Indiana Horse Racing Commission; 71 IAC 8.5-11-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2423; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2785; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-11-2 Licensee subject to testing; positive sample results

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 2. A permit holder shall provide an alcohol breath testing device that is approved by the commission and operated by a person certified to use such a device. All jockeys, stewards, starters, and assistant starters shall submit to a breath test at each program in which they participate. In addition, the stewards, the commission director of security, or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test. A positive test result as defined by 71 IAC 8.5-11-1(b) [section 1(b) of this rule] shall be prima facie evidence that there has been a violation of 71 IAC 8.5-11-1 [section 1 of this rule]. In the event of such positive test, it is presumed that:

- (1) the breath sample tested is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection and analysis of this sample are correct and accurate; and
- (3) the report issued by the commission pertains to the sample taken from the person in question correctly reflects the condition of the person at the time of the sample was given.

With respect to the presumptions set forth in this section, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter, which is conducted by the stewards or by the commission. (*Indiana Horse Racing Commission; 71 IAC 8.5-11-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2785; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 8.5-11-3 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood is subject to the following sanctions:

- (1) A jockey shall not be permitted to ride and shall be suspended under the rules of the commission.
- (2) A steward, a starter, or an assistant starter shall be relieved of all duties for that program, and a report shall be made to the commission for appropriate action.
- (3) Any other licensee shall be suspended, beginning that day, under the rules of the commission.
- (4) Any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(Indiana Horse Racing Commission; 71 IAC 8.5-11-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2894; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2785; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 8.5-11-4 Refusal or failure to be tested

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 4. The stewards shall, on behalf of the commission, impose the following sanctions against a licensee who refuses or fails to submit to or complete a breath test:

- (1) For the first refusal or failure, a civil penalty of one hundred dollars (\$100) and a seven (7) day suspension.
- (2) For a second refusal or failure, a civil penalty of two hundred fifty dollars (\$250) and a thirty (30) day suspension.
- (3) For any additional refusals or failures to submit to a breath test, a civil penalty of two hundred fifty dollars (\$250), a sixty (60) day suspension, and referral of the case to the commission for any further action that the commission considers necessary.

(Indiana Horse Racing Commission; 71 IAC 8.5-11-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2889, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

ARTICLE 9. PARI-MUTUEL WAGERING

Rule 1. General Provisions

71 IAC 9-1-1 General

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Each association shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a pari-mutuel system approved by the commission. The totalizator shall be tested prior to and during the meeting as required by the commission. *(Indiana Horse Racing Commission; 71 IAC 9-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1178; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 9-1-2 Records

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The association shall maintain records of all wagering so the commission may review such records for any contest, including:

- (1) the opening line;
- (2) subsequent odds fluctuation;
- (3) the amount and at which window wagers were placed on any betting interest; and
- (4) such other information as may be required.

Such wagering records shall be retained by each association and safeguarded for a period of time specified by the commission. The commission may require that certain of these records be made available to the wagering public at the completion of each contest.

(b) The association shall provide the commission with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility. (*Indiana Horse Racing Commission; 71 IAC 9-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1178; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-3 Pari-mutuel tickets

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the association and is evidence of the obligation of the association to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The association shall cash all valid winning tickets when such are presented for:

(1) payment during the course of the meeting where sold; and

(2) a specified period after the last day of the meeting.

(b) To be deemed a valid pari-mutuel ticket, such ticket shall have been issued by a pari-mutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the pari-mutuel pool and contain imprinted information as to the following:

(1) The name of the association operating the meeting.

(2) A unique identifying number or code.

(3) Identification of the terminal at which the ticket was issued.

(4) A designation of the performance for which the wagering transaction was issued.

(5) The contest number for which the pool is conducted.

(6) The type or types of wagers represented.

(7) The number or numbers representing the betting interests for which the wager is recorded.

(8) The amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.

(c) No pari-mutuel ticket recorded or reported as previously paid, canceled, or nonexistent shall be deemed a valid pari-mutuel ticket by the association. The association may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in section 4(e) of this rule.

(d) The association and its employees shall abide by the ticket cancellation policy approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 9-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1178; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2425; errata filed Mar 5, 1998, 1:47 p.m.: 21 IR 2392; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-4 Pari-mutuel ticket sales

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) Pari-mutuel tickets shall not be sold by anyone other than an association licensed to conduct pari-mutuel wagering.

(b) No pari-mutuel ticket may be sold on a contest for which wagering has already been closed and no association shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalizator is closed for wagering on such contest.

(c) Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor prior to leaving the seller's window.

(d) Payment on winning pari-mutuel wagers shall be made on the basis of the order of finish as purposely posted and declared official. Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the judges or commission shall in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.

(e) The association shall not satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization of the

commission.

(f) The association shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

(g) When payments on winning pari-mutuel wagers require Internal Revenue Service returns or reporting, identification of the recipient shall be confirmed by the association by examination of an appropriate government-issued personal identification document such as a driver's license, a passport, or an identification card.

(h) No person other than the true owner and beneficiary of a pari-mutuel ticket shall sign a Form W2G or Form 5754. No person shall knowingly aid, in any way, in any misrepresentation regarding Internal Revenue Service (IRS) forms. Any known or suspected misrepresentation or irregularity regarding IRS forms shall be reported to the commission within forty-eight (48) hours. (*Indiana Horse Racing Commission; 71 IAC 9-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1178; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2159; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-5 Advance performance wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. No association shall permit wagering to begin more than one (1) hour before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the commission. (*Indiana Horse Racing Commission; 71 IAC 9-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1179; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-6 Claims for payment from pari-mutuel pool

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) At a designated location, a written, verified claim for payment from a pari-mutuel pool shall be accepted by the association in any case where the association has withheld payment or has refused to cash a pari-mutuel wager. The claim shall be made on such form as approved by the commission, and the claimant shall make such claim under penalty of perjury. The original of such claim shall be forwarded to the commission within forty-eight (48) hours.

(b) In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required in section 3 (b) of this rule, the association shall make a recommendation to accompany the claim forwarded to the commission as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.

(c) In the case of a claim made for payment on a pari-mutuel wager, the commission shall adjudicate the claim and may:

- (1) order payment thereon from the pari-mutuel pool or by the association;
- (2) deny the claim; or
- (3) make such other order as it may deem proper.

(*Indiana Horse Racing Commission; 71 IAC 9-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1179; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-7 Payment for errors

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. If an error occurs in the payment amounts for pari-mutuel wagers which are cashed or entitled to be cashed and, as a result of such error the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment shall be added to the corresponding pool of the next contest. If underpayments are discovered after the close of the meeting, the underpayment shall be held in an interest-bearing account approved by the commission until being added, together with accrued interest, to the corresponding pool of the next meet.

(2) Any claim not filed with the association within thirty (30) days, inclusive of the date on which the underpayment was

publicly announced, shall be deemed waived; the association shall have no further liability therefore.

(3) In the event the error results in an overpayment to winning wagers, the association shall be responsible for such payment. *(Indiana Horse Racing Commission; 71 IAC 9-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1179; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 9-1-8 Betting explanation

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. A summary explanation of pari-mutuel wagering and each type of betting pool offered shall be published in the program for every wagering performance. The rules of racing relative to each type of pari-mutuel pool offered must be available upon request through association representatives. *(Indiana Horse Racing Commission; 71 IAC 9-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1179; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2919; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 9-1-9 Display of betting information

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) Approximate odds for win pool betting shall be posted on display devices within view of the wagering public and updated at intervals of not more than ninety (90) seconds.

(b) The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the commission.

(c) Official results and payoffs must be displayed upon each contest being declared official. *(Indiana Horse Racing Commission; 71 IAC 9-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1180; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 9-1-10 Canceled contests

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. If a contest is canceled or declared no contest, refunds shall be granted on valid wagers in accordance with these rules. *(Indiana Horse Racing Commission; 71 IAC 9-1-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1180; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 9-1-11 Refunds

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. (a) Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on the following:

(1) Win pools, exacta pools, and first half double pools offered in contests in which the number of betting interests has been reduced to fewer than two (2).

(2) Place pools, quinella pools, trifecta pools, first half quinella double pools, and first half twin quinella pools offered in contests in which the number of betting interests has been reduced to fewer than three (3).

(3) Show pools, superfecta pools, and first half twin superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four (4).

(b) Authorized refunds shall be paid upon presentation and surrender of the affected pari-mutuel ticket. *(Indiana Horse Racing Commission; 71 IAC 9-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1180; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 9-1-12 Coupled entries and mutuel fields

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 12. (a) Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.

(b) For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules. (*Indiana Horse Racing Commission; 71 IAC 9-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1180; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-13 Pools dependent on betting interests

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 13. (a) Unless the commission otherwise provides, one-half (½) hour prior to post time for the first race, the association:

- (1) may offer win, place, and show wagering on all contests with six (6) or more betting interests;
- (2) may be allowed to prohibit show wagering on any contest with five (5) or fewer betting interests scheduled to start;
- (3) may be allowed to prohibit place wagering on any contest with four (4) or fewer betting interests scheduled to start;
- (4) may be allowed to prohibit quinella wagering on any contest with three (3) or fewer betting interests scheduled to start;
- (5) may be allowed to prohibit quinella double wagering on any contests with three (3) or fewer betting interests scheduled to start;
- (6) may be allowed to prohibit exacta wagering on any contest with three (3) or fewer betting interests scheduled to start;
- (7) shall prohibit trifecta wagering on any contest with six (6) or fewer betting interests scheduled to start;
- (8) may be allowed to prohibit twin quinella wagering on any contests with three (3) or fewer betting interests scheduled to start;
- (9) shall prohibit twin trifecta wagering on any contests with six (6) or fewer betting interests scheduled to start;
- (10) shall prohibit superfecta wagering on any contest with seven (7) or fewer betting interests to start; and
- (11) may be allowed to prohibit odd-even wagering on any contest with four (4) or fewer betting interest [*sic., interests*].

(b) Notwithstanding subdivisions (a)(7), (9), and (10) [*subsection (a)(7), (a)(9), and (a)(10)*], the association may permit trifecta, twin trifecta, and superfecta wagering on stake races with as few as six (6) betting interests.

(c) Notwithstanding subsection (a), the timing of advance performance wagering shall be governed by 71 IAC 9-1-5 [*section 5 of this rule*]. (*Indiana Horse Racing Commission; 71 IAC 9-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1180; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2082; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2160; emergency rule filed Mar 18, 1998, 1:40 p.m.: 21 IR 3022; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-14 Prior approval required for betting pools

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 14. (a) An association that desires to offer new forms of wagering must apply in writing to the commission and receive written approval prior to implementing the new betting pool.

(b) The association may suspend previously approved forms of wagering with the prior approval of the commission. Any carryover shall be held until the suspended form of wagering is reinstated. An association may request approval of a form of wagering or separate wagering pool for specific performances. (*Indiana Horse Racing Commission; 71 IAC 9-1-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1181; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-15 Closing of wagering in a contest

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 15. (a) A commission representative shall close wagering for each contest originating from the association's track after which time no pari-mutuel tickets shall be sold for that contest.

(b) The association shall maintain, in good order, a system approved by the commission for closing wagering.

(c) The licensed tote vendor and the association shall comply with the stop betting procedures approved by the commission.

(d) In the event that the mutuel machines fail to lock at the commencement of a race, the association, the licensed tote vendor and their respective licensed designees shall adhere to the commission approved procedures in responding to the event. These procedures shall apply to both live and simulcast races. On a live race, these procedures shall apply to in-state mutuel machines and out-of-state mutuel machines that are commingled with the association's pools. (*Indiana Horse Racing Commission; 71 IAC 9-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1181; emergency rule filed Nov 10, 1994, 4:40 p.m.: 18 IR 545; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2425; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-16 Complaints pertaining to pari-mutuel operations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 16. (a) When a patron makes a complaint regarding the pari-mutuel department to an association, the association shall immediately issue a complaint report, setting out the following:

(1) The name of the complainant.

(2) The nature of the complaint.

(3) The name of the persons, if any, against whom the complaint was made.

(4) The date of the complaint.

(5) The action taken or proposed to be taken, if any, by the association.

(b) The association shall submit every complaint report to the commission within forty-eight (48) hours after the complaint was made. (*Indiana Horse Racing Commission; 71 IAC 9-1-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1181; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-17 Licensed employees (Repealed)

Sec. 17. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2427*)

71 IAC 9-1-18 Unrestricted access

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 18. The association shall permit the commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, documents, and records of the association that relate to pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 9-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1181; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-19 Emergency situations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 19. In the event of an emergency in connection with the pari-mutuel department not covered in these rules, the pari-mutuel manager representing the association shall resolve the situation. The pari-mutuel manager shall report the problem to the judges and the association and the judges shall render a full written report to the commission within forty-eight (48) hours. If the matter involves a simulcast program at a time when a live meet is not in progress, the pari-mutuel manager shall render a full written

report to the executive director within forty-eight (48) hours. (*Indiana Horse Racing Commission; 71 IAC 9-1-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1181; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3414; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-1-20 Mutuel manager's report

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 20. The mutuel manager or assistant mutuel manager shall report, on a form provided by the commission, any irregularity or unusual occurrence regarding pari-mutuel operations. Such report shall be submitted to the commission within forty-eight (48) hours of the irregularity or unusual occurrence. (*Indiana Horse Racing Commission; 71 IAC 9-1-20; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2083; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Account Wagering (Repealed)

(*Repealed by Indiana Horse Racing Commission; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2161*)

Rule 2.5. Wagering Rules and Patron Checks

71 IAC 9-2.5-1 Wagering rules

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Wagering on credit is prohibited.

(b) All pari-mutuel tickets must be paid for in full at the time the ticket is issued from the totalizator system with:

(1) U.S. currency;

(2) winning pari-mutuel tickets;

(3) refunded pari-mutuel tickets; or

(4) by a commission-approved totalizator voucher system.

(c) Account wagering, other than a commission-approved totalizator voucher system, is prohibited.

(d) Licensees shall not make a wager based upon instructions received by telephone, facsimile, or similar device.

(e) In the event that the mutuel machine fails to lock at the commencement of a race, no licensee shall knowingly issue any tickets from his or her terminal or any other terminal. Nor shall any licensee assist any individual in procuring such tickets. Any failure to lock on time shall be immediately reported to the mutuel manager or the satellite facility manager and the commission. (*Indiana Horse Racing Commission; 71 IAC 9-2.5-1; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2061; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2426; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-2.5-2 Patron checks

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The association may accept checks from patrons, personal or otherwise, provided that such checks are submitted to the association's bank for payment no later than the following business day. The returning of checks to patrons or buying back of checks is prohibited, except when the check(s) have been deposited to the association's bank for payment and thereafter returned to the association.

(b) The association may not accept postdated checks.

(c) The association shall report to the commission any time the liability to a person for a returned unpaid check or checks equals or exceeds three thousand dollars (\$3,000). Such report shall be made to the commission in writing within forty-eight (48) hours of receipt of the returned checks.

(d) This section shall not apply to checks for the payment of horsemen's fees. (*Indiana Horse Racing Commission; 71 IAC 9-2.5-2; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2161; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Interstate Common Pool Wagering

71 IAC 9-3-1 General

Authority: IC 4-31-3-9

Affected: IC 4-31-7-8

Sec. 1. (a) All contracts governing participation in interstate common pools shall be available to the commission upon request.

(b) Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs but will be held separate for auditing and all other purposes.

(c) Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

(d) In determining whether to approve an interstate common pool which does not include the host track or which includes contests from more than one (1) association, the commission shall consider and may approve:

(1) use of a bet type which is not utilized at the host track;

(2) application of a takeout rate not in effect at the host track; or

(3) other factors which are presented to the commission.

(e) The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules. (*Indiana Horse Racing Commission; 71 IAC 9-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1183; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2083; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-3-2 Guest state participation in interstate common pools

Authority: IC 4-31-3-9

Affected: IC 4-31-7-8

Sec. 2. (a) With the prior approval of the commission, pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state or with corresponding pools established by one (1) or more other jurisdictions.

(b) The commission may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this jurisdiction is identical to that at the host track or identical to that of other jurisdictions participating in a merged pool.

(c) Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.

(d) Rules established in the state of the host association designated for a pari-mutuel pool shall apply.

(e) The commission shall approve agreements made between the association and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

(f) If, for any reason, it becomes impossible to successfully merge the bets placed into the interstate common pool, the association shall make payoffs in accordance with payoff prices at the host track; except that, with permission of the commission, the association may make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere. With permission of the commission, the association may declare such accepted bets void and make refunds in accordance with these rules. (*Indiana Horse Racing Commission; 71 IAC 9-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1183; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2161; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-3-3 Host state participation in merged pools

Authority: IC 4-31-3-9

Affected: IC 4-31-7-8

Sec. 3. (a) With the prior approval of the commission, an association licensed to conduct pari-mutuel wagering may determine that one (1) or more of its contests be utilized for pari-mutuel wagering at guest facilities in other states and may also determine that pari-mutuel pools in guest states be combined with corresponding wagering pools established by it as the host track or comparable wagering pools established by two (2) or more states.

(b) Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the

differing takeout rates are applied.

(c) Rules of racing established for races held in this state shall also apply to interstate common pools unless the commission shall have specifically otherwise determined.

(d) The commission shall approve agreements made between the association and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

(e) Any contract for interstate common pools entered into by the association shall contain a provision to the effect that if, for any reason:

(1) it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the association; or

(2) the commission's or the association's representative determines that attempting to effect transfer of pool data from the guest state may endanger the association's wagering pool;

the association shall have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool. *(Indiana Horse Racing Commission; 71 IAC 9-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1183; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 9-3-4 Takeout rates in interstate common pools

Authority: IC 4-31-3-9

Affected: IC 4-31-7-8

Sec. 4. (a) With the prior approval of the commission, an association wishing to participate in an interstate common pool may change its takeout rate so as to achieve a common takeout rate with all other participants in the interstate common pool.

(b) An association wishing to participate in an interstate common pool may request that the commission approve a methodology whereby host and guest states with different takeout rates for corresponding pari-mutuel pools may effectively and equitably combine wagers from the different states into an interstate common pool. *(Indiana Horse Racing Commission; 71 IAC 9-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1184; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 4. Calculation of Payoffs and Distribution of Pools

71 IAC 9-4-1 General

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) All permitted pari-mutuel wagering pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

(b) For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar.

(c) Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multiple commission pools.

(1) Standard Price Calculation Procedure

(A) SINGLE PRICE POOL (WIN POOL)

gross pool	=	sum of wagers on all betting interest - refunds
takeout	=	gross pool × percent takeout
net pool	=	gross pool - takeout
profit	=	net pool - gross amount bet on winner
profit per dollar	=	profit/gross amount bet on winner
\$1 unbroken price	=	profit per dollar + \$1
\$1 broken price	=	\$1 unbroken price rounded down to the break point

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total payout = \$1 broken price × gross amount bet on winner
total breakage = net pool - total payout

(B) PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit ½ and ½ (place profit), then divide by gross amount bet on each place finisher for two (2) unique prices.

(C) PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit ⅓ and ⅓ and ⅓ (show profit), then divide by gross amount bet on each show finisher for three (3) unique prices.

(2) Net Price Calculation Procedure

(A) SINGLE PRICE POOL (WIN POOL)

gross pool = sum of wagers on all betting interests - refunds

takeout = gross pool × percent takeout

* for each source:

net pool = gross pool - takeout

net bet on winner = gross amount bet on winner × (1 - percent takeout)

total net pool = sum of all sources net pools

total net bet on winner = sum of all sources net bet on winner

total profit = total net pool - total net bet on winner

profit per dollar = total profit/total net bet on winner

\$1 unbroken base price = profit per dollar + \$1

* for each source:

\$1 unbroken price = \$1 unbroken base price × (1 - percent takeout)

\$1 broken price = \$1 unbroken price rounded down to the break point

total payout = \$1 broken price × gross amount bet on winner

total breakage = net pool - total payout

(B) PROFIT SPLIT (PLACE POOL)

Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit ½ and ½ (place profit), then divide by total net amount bet on each place finisher for two (2) unique unbroken base prices.

(C) PROFIT SPLIT (SHOW POOL)

Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit ⅓ and ⅓ and ⅓ (show profit), then divide by total net amount bet on each show finisher for three (3) unique unbroken base prices.

(d) If a profit split results in only one (1) covered winning betting interest or combinations it shall be calculated the same as a single price pool.

(e) Minimum payoffs and the method used for calculating breakage shall be established by the commission.

(f) The individual pools outlined in these rules may be given alternative names by each association, provided prior approval is obtained from the commission. (*Indiana Horse Racing Commission; 71 IAC 9-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1184; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-2 Win pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to win on that betting interest.

(b) The net win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon

the official order of finish:

- (1) To those whose selection finished first; but if there are no such wagers, to subdivision (2).
- (2) To those whose selection finished second; but if there are no such wagers, to subdivision (3).
- (3) To those whose selection finished third; but if there are no such wagers, to subdivision (4).
- (4) The entire pool shall be refunded on win wagers for that contest.
- (c) If there is a dead heat for first involving:
 - (1) contestants representing the same betting interest, the win pool shall be distributed as if no dead heat occurred; or
 - (2) contestants representing two (2) or more betting interests, the win pool shall be distributed as a profit split.

(Indiana Horse Racing Commission; 71 IAC 9-4-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1185; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 9-4-3 Place pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) The amounts wagered to place on the first two (2) betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two (2) equal portions, one (1) being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the resulting quotient is the profit per dollar wagered to place on that betting interest.

(b) The net place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (1) If contestants of a coupled entry or mutuel field finished in the first two (2) places, as a single price pool, to those who selected the coupled entry or mutuel field; or
- (2) as a profit split to those whose selection is included within the first two (2) finishers; but if there are no such wagers on subdivisions (1) or (2), to subdivision (3).
- (3) As a single price pool to those who selected the one (1) covered betting interest included within the first two (2) finishers; but if there are no such wagers, to subdivision (4).
- (4) As a single price pool to those who selected the third place finisher; but if there are no such wagers, to subdivision (5).
- (5) The entire pool shall be refunded on place wagers for that contest.
- (c) If there is a dead heat for first involving:
 - (1) contestants representing the same betting interest, the place pool shall be distributed as a single price pool; or
 - (2) contestants representing two (2) or more betting interests, the place pool shall be distributed as a profit split.
- (d) If there is a dead heat for second involving:
 - (1) contestants representing the same betting interest, the place pool shall be distributed as if no dead heat occurred; or
 - (2) contestants representing two (2) or more betting interests, the place pool is divided with one-half (½) of the profit distributed to place wagers on the betting interest finishing first and the remainder is distributed as a profit split among place wagers on those betting interests involved in the dead heat for second.

(Indiana Horse Racing Commission; 71 IAC 9-4-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1185; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 9-4-4 Show pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) The amounts wagered to show on the first three (3) betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three (3) equal portions, one (1) being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the resulting quotient being the profit per dollar wagered to show on that betting interest.

(b) The net show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (1) If contestants of a coupled entry or mutuel field finished in the first three (3) places, as a single price pool to those who

selected the coupled entry or mutuel field; or

(2) if contestants of a coupled entry or mutuel field finished as two (2) of the first three (3) finishers, the profit is divided with two-thirds ($\frac{2}{3}$) distributed to those who selected the coupled entry or mutuel field and one-third ($\frac{1}{3}$) distributed to those who selected the other betting interest included within the first three (3) finishers; or

(3) as a profit split to those whose selection is included within the first three (3) finishers; but if there are no such wagers on subdivisions (1) through (3), to subdivision (4).

(4) As a profit split to those who selected one (1) of the two (2) covered betting interests included within the first three (3) finishers; but if there are no such wagers on two (2) of those three (3) finishers, to subdivision (5).

(5) As a single price pool to those who selected the one (1) covered betting interest included within the first three (3) finishers; but if there are no such wagers, to subdivision (6).

(6) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, to subdivision (7).

(7) The entire pool shall be refunded on show wagers for that contest.

(c) If there is a dead heat for first involving:

(1) two (2) contestants representing the same betting interest, the profit is divided with two-thirds ($\frac{2}{3}$) distributed to those who selected the first place finishers and one-third ($\frac{1}{3}$) distributed to those who selected the betting interest finishing third;

(2) three (3) contestants representing a single betting interest, the show pool shall be distributed as a single price pool; or

(3) contestants representing two (2) or more betting interests, the show pool shall be distributed as a profit split.

(d) If there is a dead heat for second involving:

(1) contestants representing the same betting interest, the profit is divided with one-third ($\frac{1}{3}$) distributed to those who selected the betting interest finishing first and two-thirds ($\frac{2}{3}$) distributed to those who selected the second place finishers;

(2) contestants representing two (2) betting interests, the show pool shall be distributed as a profit split; or

(3) contestants representing three (3) betting interests, the show pool is divided with one-third ($\frac{1}{3}$) of the profit distributed to show wagers on the betting interest finishing first and the remainder is distributed as a profit split among show wagers on those betting interests involved in the dead heat for second.

(e) If there is a dead heat for third involving:

(1) contestants representing the same betting interest, the show pool shall be distributed as if no dead heat occurred; or

(2) contestants representing two (2) or more betting interests, the show pool is divided with two-thirds ($\frac{2}{3}$) of the profit distributed to show wagers on the betting interests finishing first and second and the remainder is distributed as a profit split among show wagers on those betting interests involved in the dead heat for third.

(Indiana Horse Racing Commission; 71 IAC 9-4-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1186; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 9-4-5 Double pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The double requires selection of the first place finisher in each of two (2) specified contests.

(b) The net double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose selection finished first in each of the two (2) contests; but if there are no such wagers, to subdivision (2).

(2) As a profit split to those who selected the first place finisher in either of the two (2) contests; but if there are no such wagers, to subdivision (3).

(3) As a single price pool to those who selected the one (1) covered first place finisher in either contest; but if there are no such wagers, to subdivision (4).

(4) As a single price pool to those whose selection finished second in each of the two (2) contests; but if there are no such wagers, to subdivision (5).

(5) The entire pool shall be refunded on double wagers for those contests.

(c) If there is a dead heat for first in either of the two (2) contests involving:

(1) contestants representing the same betting interest, the double pool shall be distributed as if no dead heat occurred; or

(2) contestants representing two (2) or more betting interests, the double pool shall be distributed as a profit split if there is

more than one (1) covered winning combination.

(d) Should a betting interest in the first half of the double be scratched prior to the first double contest being declared official, all money wagered on combinations, including the scratched betting interest, shall be deducted from the double pool and refunded.

(e) Should a betting interest in the second half of the double be scratched prior to the close of wagering on the first double contest, all money wagered on combinations, including the scratched betting interest, shall be deducted from the double pool and refunded.

(f) Should a betting interest in the second half of the double be scratched after the close of wagering on the first double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff, the net double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net double pool before calculation and distribution of the winning double payoff. Dead heats, including separate betting interests in the first contest, shall result in a consolation payoff calculated as a profit split.

(g) If either of the double contests are canceled prior to the first double contest, or the first double contest is declared no contest, the entire double pool shall be refunded on double wagers for those contests.

(h) If the second double contest is canceled or declared no contest after the conclusion of the first double contest, the net double pool shall be distributed as a single price pool to wagers selecting the winner of the first double contest. In the event of a dead heat involving separate betting interests, the net double pool shall be distributed as a profit split. (*Indiana Horse Racing Commission; 71 IAC 9-4-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1186; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-6 Pick three pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) The pick three requires selection of the first place finisher in each of three (3) specified contests.

(b) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose selection finished first in each of the three (3) contests; but if there are no such wagers, to subdivision (2).

(2) As a single price pool to those who selected the first place finisher in any two (2) of the three (3) contests; but if there are no such wagers, to subdivision (3).

(3) As a single price pool to those who selected the first place finisher in any one (1) of the three (3) contests; but if there are no such wagers, to subdivision (4).

(4) The entire pool shall be refunded on pick three wagers for those contests.

(c) If there is a dead heat for first in any of the three (3) contests involving:

(1) contestants representing the same betting interest, the pick three pool shall be distributed as if no dead heat occurred; or

(2) contestants representing two (2) or more betting interests, the pick three pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(d) Should a betting interest in any of the three (3) pick three contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(e) If all three (3) pick three contests are canceled or declared no contest, the entire pool shall be refunded on pick three wagers for those contests.

(f) If one (1) or two (2) of the pick three contests are canceled or declared no contest, the pick three pool will remain valid and shall be distributed in accordance with subsection (b). (*Indiana Horse Racing Commission; 71 IAC 9-4-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1187; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.:*

25 IR 899)

71 IAC 9-4-7 Pick (n) pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. (a) The pick (n) requires selection of the first place finisher in each of a designated number of contests. The association must obtain written approval from the commission concerning the following:

- (1) The scheduling of pick (n) contests.
- (2) The designation of one (1) of the methods prescribed in subsection (b).
- (3) The amount of any cap to be set on the carryover.

Any changes to the approved pick (n) format require prior approval from the commission.

(b) The pick (n) pool shall be apportioned under one (1) of the following methods:

(1) For pick (n) with carryover, the net pick (n) pool and land carryover, if any, shall be distributed as a single price pool to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests; the remainder shall be added to the carryover.

(2) For pick (n) with minor pool and carryover, the major share of the net pick (n) pool and the carryover, if any, shall be distributed to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher of all pick (n) contests, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests; the major share shall be added to the carryover.

(3) For pick (n) with no minor pool and no carryover, the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) For pick (n) with minor pool and no carryover, the major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. If the greatest number of first place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) For pick (n) with minor pool and no carryover, the major share of net pick (n) pool shall be distributed to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher in all pick (n) contests, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. If there are no wagers selecting the first place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place finisher in each of the pick (n) contests. If there are no winning wagers, the pool is refunded.

(c) If there is a dead heat for first in any of the pick (n) contests involving:

- (1) contestants representing the same betting interest, the pick (n) pool shall be distributed as if no dead heat occurred; or
- (2) contestants representing two (2) or more betting interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(d) Should a betting interest in any of the pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall

produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(e) The pick (n) pool shall be canceled and all pick (n) wagers for the individual performance shall be refunded if:

- (1) at least two (2) contests included as part of a pick 3 are canceled or declared no contest;
- (2) at least three (3) contests included as part of a pick 4, pick 5, or pick 6 are canceled or declared no contest;
- (3) at least four (4) contests included as part of a pick 7, pick 8, or pick 9 are canceled or declared no contest; or
- (4) at least five (5) contests included as part of a pick 10 are canceled or declared no contest.

(f) If at least one (1) contest included as part of a pick (n) is canceled or declared no contest, but not more than the number specified in subsection (e), the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous performances.

(g) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under this rule. After the pick (n) carryover is frozen, one hundred percent (100%) of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) contests for that performance.

(h) A written request for permission to distribute the pick (n) carryover on a specific performance may be submitted to the commission. The request must contain the following:

- (1) Justification for the distribution.
- (2) An explanation of the benefit to be derived.
- (3) The intended date and performance for the distribution.

(i) Should the pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first place finisher in each of the pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests. The pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (1) Upon written approval from the commission as provided in subsection (h).
- (2) Upon written approval from the commission when:
 - (A) there is a change in the carryover cap;
 - (B) there is a change from one (1) type of pick (n) wagering to another; or
 - (C) the pick (n) is discontinued.
- (3) On the closing performance of the meet or split meet.

(j) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool of the following meet on a date and performance so designated by the commission.

(k) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

- (1) Providing information to any person regarding:
 - (1) covered combinations;
 - (2) amounts wagered on specific combinations;
 - (3) number of tickets sold; or
 - (4) number of live tickets remaining;

is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

(m) The association may suspend previously approved pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific performances. (*Indiana Horse Racing Commission; 71 IAC 9-4-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1188; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-8 Place pick (n) pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) The place pick (n) requires selection of the first place or second place finisher in each of a designated number of contests. The association must obtain written approval from the commission concerning the following:

- (1) The scheduling of place pick (n) contests.
- (2) The designation of one (1) of the methods prescribed in subsection (b).
- (3) The distinctive name identifying the pool.
- (4) The amount of any cap to be set on the carryover.

Any changes to the approved place pick (n) format require prior approval from the commission.

(b) The place pick (n) pool shall be apportioned under one (1) of the following methods:

(1) For place pick (n) with carryover, the net place pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first place or second place finisher in each of the place pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests; the remainder shall be added to the carryover.

(2) For place pick (n) with minor pool and carryover, the major share of the net place pick (n) pool and the carryover, if any, shall be distributed to those who selected the first place or second place finisher in each of the place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place or second place finisher of all place pick (n) contests, the minor share of the net place pick (n) pool shall be distributed as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests; the major share shall be added to the carryover.

(3) For place pick (n) with no minor pool and no carryover, the net place pick (n) pool shall be distributed as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) For place pick (n) with minor pool and no carryover, the major share of the net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in the greatest number of place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place or second place finisher in a second greatest number of place pick (n) contests, the minor share of the net place pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests. If the greatest number of first place or second place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) For place pick (n) with minor pool and no carryover, the major share of net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in each of the place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place or second place finisher in all place pick (n) contests, the entire net place pick (n) pool shall be distributed as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests. If there are no wagers selecting the first place or second place finisher in a second greatest number of place pick (n) contests, the minor share of the net place pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place or second place finisher in each of the place pick (n) contests. If there are no winning wagers, the pool is refunded.

(c) If there is a dead heat for first in any of the place pick (n) contests involving:

- (1) contestants representing the same betting interest, the place pick (n) pool shall be distributed as if no dead heat occurred; or
- (2) contestants representing two (2) or more betting interests, the place pick (n) pool shall be distributed as a single price pool with a winning wager, including each betting interest participating in the dead heat.

(d) If there is a dead heat for second in any of the place pick (n) contests involving:

(1) contestants representing the same betting interest, the place pick (n) pool shall be distributed as if no dead heat occurred; or

(2) contestants representing two (2) or more betting interests, the place pick (n) pool shall be distributed as a single price pool with a winning wager, including the betting interest which finished first or any betting interest involved in the dead heat for second.

(e) Should a betting interest in any of the place pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(f) The place pick (n) pool shall be canceled and all place pick (n) wagers for the individual performance shall be refunded if:

(1) at least two (2) contests included as part of a place pick 3 are canceled or declared no contest.

(2) at least three (3) contests included as part of a place pick 4, place pick 5, or place pick 6 are canceled or declared no contest.

(3) at least four (4) contests included as part of a place pick 7, place pick 8, or place pick 9 are canceled or declared no contest.

(4) at least five (5) contests included as part of a place pick 10 are canceled or declared no contest.

(g) If at least one (1) contest included as part of a place pick (n) is canceled or declared no contest, but not more than the number specified in subsection (f), the net pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of place pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the place pick (n) carryover but not the carryover from previous performances.

(h) The place pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the place pick (n) carryover equals or exceeds the designated cap, the place pick (n) carryover will be frozen until it is won or distributed under this rule. After the place pick (n) carryover is frozen, one hundred percent (100%) of the net pool, part of which ordinarily would be added to the place pick (n) carryover, shall be distributed to those whose selection finished first or second in the greatest number of place pick (n) contests for that performance.

(i) A written request for permission to distribute the place pick (n) carryover on a specific performance may be submitted to the commission. The request must contain the following:

(1) Justification for the distribution.

(2) An explanation of the benefit to be derived.

(3) The intended date and performance for the distribution.

(j) Should the place pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first place or second place finisher in each of the place pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of place pick (n) contests. The place pick (n) carryover shall be designated for distribution on a specified date and performance under any of the following circumstances:

(1) Upon written approval from the commission as provided in subsection (i).

(2) Upon written approval from the commission when:

(A) there is a change in the carryover cap;

(B) there is a change from one (1) type of place pick (n) wagering to another; or

(C) the place pick (n) is discontinued.

(3) On the closing performance of the meet or split meet.

(k) If, for any reason, the place pick (n) carryover must be held over to the corresponding place pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The place pick (n) carryover plus accrued interest shall then be added to the net place pick (n) pool of the following meet on a date and performance so designated by the commission.

(l) With the written approval of the commission, the association may contribute to the place pick (n) carryover a sum of money up to the amount of any designated cap.

(m) Providing information to any person regarding:

(1) covered combinations;

- (2) amounts wagered on specific combinations;
- (3) number of tickets sold; or
- (4) number of live tickets remaining;

is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

(n) The association may suspend previously approved place pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended place pick (n) wagering is reinstated. An association may request approval of a place pick (n) wager or separate wagering pool for specific performances. (*Indiana Horse Racing Commission; 71 IAC 9-4-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1189; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-9 Quinella pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) The quinella requires selection of the first two (2) finishers, irrespective of order, for a single contest.

(b) The net quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (1) If contestants of a coupled entry or mutuel field finish as the first two (2) finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; or
- (2) as a single price pool to those whose combination finished as the first two (2) betting interests; but if there are no such wagers, to subdivision (3).
- (3) As a profit split to those whose combination included either the first place or second place finisher; but if there are no such wagers on one (1) of the those two (2) finishers, to subdivision (4).
- (4) As a single price pool to those whose combination included the one (1) covered betting interest included within the first two (2) finishers; but if there are no such wagers, to subdivision (5).
- (5) The entire pool shall be refunded on quinella wagers for that contest.

(c) If there is a dead heat for first involving:

- (1) contestants representing the same betting interest, the quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish;
- (2) contestants representing two (2) betting interests, the quinella pool shall be distributed as if no dead heat occurred; or
- (3) contestants representing three (3) or more betting interests, the quinella pool shall be distributed as a profit split.

(d) If there is a dead heat for second involving contestants representing the same betting interest, the quinella pool shall be distributed as if no dead heat occurred.

(e) If there is a dead heat for second involving contestants representing two (2) or more betting interests, the quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

- (1) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one (1) covered combination, to subdivision (2).
- (2) As a single price pool to those combining the winner with the one (1) covered betting interest involved in the dead heat for second; but if there are no such wagers, to subdivision (3).
- (3) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, to subdivision (4).
- (4) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, to subdivision (5).
- (5) The entire pool shall be refunded on quinella wagers for that contest.

(*Indiana Horse Racing Commission; 71 IAC 9-4-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1192; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-10 Quinella double pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) The quinella double requires selection of the first two (2) finishers, irrespective of order, in each of two (2) specified contests.

(b) The net quinella double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) If a coupled entry or mutuel field finishes as the first two (2) contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two (2) finishers in the alternate quinella double contest; or

(2) as a single price pool to those who selected the first two (2) finishers in each of the two (2) quinella double contests; but if there are no such wagers, to subdivision (3).

(3) As a profit split to those who selected the first two (2) finishers in either of the two (2) quinella double contests; but if there are no such wagers on one (1) of those contests, to subdivision (4).

(4) As a single price pool to those who selected the first two (2) finishers in the one (1) covered quinella double contest; but if there were no such wagers, to subdivision (5).

(5) The entire pool shall be refunded on quinella double wagers for those contests.

(c) If there is a dead heat for first in either of the two (2) quinella double contests involving:

(1) contestants representing the same betting interest, the quinella double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest;

(2) contestants representing two (2) betting interests, the quinella double pool shall be distributed as if no dead heat occurred; or

(3) contestants representing three (3) or more betting interests, the quinella double pool shall be distributed as a profit split.

(d) If there is a dead heat for second in either of the quinella double contests involving contestants representing the same betting interest, the quinella double pool shall be distributed as if no dead heat occurred.

(e) If there is a dead heat for second in either of the quinella double contests involving contestants representing two (2) or more betting interests, the quinella double pool shall be distributed as profit split.

(f) Should a betting interest in the first half of the quinella double be scratched prior to the first quinella double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the quinella double pool and refunded.

(g) Should a betting interest in the second half of the quinella double be scratched prior to the close of wagering on the first quinella double contest, all money wagered on combinations, including the scratched betting interest, shall be deducted from the quinella double pool and refunded.

(h) Should a betting interest in the second half of the quinella double be scratched after the close of wagering on the first quinella double contest, all wagers combining the winning combination in the first contest with a combination, including the scratched betting interest in the second contest, shall be allocated a consolation payoff. In calculating the consolation payoff the net quinella double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination, including the scratched betting interest in the second contest, to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net quinella double pool before calculation and distribution of the winning quinella double payoff. In the event of a dead heat involving separate betting interests, the net quinella double pool shall be distributed as a profit split.

(i) If either of the quinella double contests is canceled prior to the first quinella double contest, or the first quinella double contest is declared no contest, the entire quinella double pool shall be refunded on quinella double wagers for those contests.

(j) If the second quinella double contest is canceled or declared no contest after the conclusion of the first quinella double contest, the net quinella double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first quinella double contest. If there are no wagers selecting the winning combination in the first quinella double contest, the entire quinella double pool shall be refunded on quinella double wagers for those contests. (*Indiana Horse Racing Commission; 71 IAC 9-4-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1192; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-11 Exacta pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. (a) The exacta requires selection of the first two (2) finishers, in their exact order, for a single contest.

(b) The net exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) If contestants of a coupled entry or mutuel field finish as the first two (2) finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; or
(2) as a single price pool to those whose combination finished in correct sequence as the first two (2) betting interests; but if there are no such wagers, to subdivision (3).

(3) As a profit split to those whose combination included either the first place betting interest to finish first or the second place betting interest to finish second; but if there are no such wagers on one (1) of those two (2) finishers, to subdivision (4).

(4) As a single price pool to those whose combination included the one (1) covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, to subdivision (5).

(5) The entire pool shall be refunded on exacta wagers for that contest.

(c) If there is a dead heat for first involving:

(1) contestants representing the same betting interest, the exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; or

(2) contestants representing two (2) or more betting interests, the exacta pool shall be distributed as a profit split.

(d) If there is a dead heat for second involving contestants representing the same betting interest, the exacta pool shall be distributed as if no dead heat occurred.

(e) If there is a dead heat for second involving contestants representing two (2) or more betting interests, the exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:

(1) As a profit split to those combining the first place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one (1) covered combination, to subdivision (2).

(2) As a single price pool to those combining the first place betting interest with the one (1) covered betting interest involved in the dead heat for second; but if there are no such wagers, to subdivision (3).

(3) As a profit split to those wagers correctly selecting the winner for first place and those wagers selecting any of the dead-heated betting interests for second place; but if there are no such wagers, then

(4) The entire pool shall be refunded on exacta wagers for that contest.

(Indiana Horse Racing Commission; 71 IAC 9-4-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1193; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 9-4-12 Trifecta pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) The trifecta requires selection of the first three (3) finishers, in their exact order, for a single contest.

(b) The net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (2).

(2) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (3).

(3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (4).

(4) The entire pool shall be refunded on trifecta wagers for that contest.

(c) If less than three (3) betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving:

(1) contestants representing three (3) or more betting interests, all of the wagering combinations selecting three (3) betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split; or

(2) contestants representing two (2) betting interests, both of the wagering combinations selecting the two (2) dead-heated

betting interests, irrespective of order, along with the third place betting interest shall share in a profit split.

(e) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(f) If there is a dead heat for third, all wagering combinations correctly selecting the first two (2) finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

(g) Uncoupled entries and mutuel fields shall be prohibited in trifecta contests. (*Indiana Horse Racing Commission; 71 IAC 9-4-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1194; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2083; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-13 Twin quinella pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) The twin quinella requires selection of the first two (2) finishers, irrespective of order, in each of two (2) designated contests. Each winning ticket for the first twin quinella contest must be exchanged for a free ticket on the second twin quinella contest in order to remain eligible for the second half twin quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second twin quinella contest. There will be no monetary reward for winning the first twin quinella contest. Both of the designated twin quinella contests shall be included in only one (1) twin quinella pool.

(b) In the first twin quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin quinella contest:

(1) If a coupled entry or mutuel field finishes as the first two (2) finishers, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; or

(2) those whose combination finished as the first two (2) betting interests shall be winners; but if there are no such wagers, to subdivision (3).

(3) Those whose combination included either the first place or second place finisher shall be winners; but if there are no such wagers on one (1) of those two (2) finishers, to subdivision (4).

(4) Those whose combination included the one (1) covered betting interest included within the first two (2) finishers shall be winners; but if there are no such wagers, to subdivision (5).

(5) The entire pool shall be refunded on twin quinella wagers for that contest.

(c) In the first twin quinella contest only, if there is a dead heat for first involving:

(1) contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners;

(2) contestants representing two (2) betting interests, the winning twin quinella wagers shall be determined as if no dead heat occurred; or

(3) contestants representing three (3) or more betting interests, those whose combination included any two (2) of the betting interests finishing in the dead heat shall be winners.

(d) In the first twin quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the twin quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(1) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one (1) covered combination, to subdivision (2).

(2) As a single price pool to those combining the winner with the one (1) covered betting interest involved in the dead heat for second; but if there are no such wagers, to subdivision (3).

(3) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, to subdivision (4).

(4) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, to subdivision (5).

(5) The entire pool shall be refunded on twin quinella wagers for that contest.

(e) In the second twin quinella contest only, the entire net twin quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin quinella contest:

(1) If a coupled entry or mutuel field finishes as the first two (2) finishers, as a single price pool to those who selected the

coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; or

(2) as a single price pool to those whose combination finished as the first two (2) betting interests; but if there are no such wagers, to subdivision (3).

(3) As a profit split to those whose combination included either the first place or second place finisher; but if there are no such wagers on one (1) of those two (2) finishers, to subdivision (4).

(4) As a single price pool to those whose combination included the one (1) covered betting interest included within the first two (2) finishers; but if there are no such wagers, to subdivision (5).

(5) As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, to subdivision (6).

(6) In accordance with subsection (b).

(f) In the second twin quinella contest only, if there is a dead heat for first involving:

(1) contestants representing the same betting interest, the net twin quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish;

(2) contestants representing two (2) betting interests, the net twin quinella pool shall be distributed as if no dead heat occurred; or

(3) contestants representing three (3) or more betting interests, the net twin quinella pool shall be distributed as a profit split to those whose combination included any two (2) of the betting interests finishing in the dead heat.

(g) In the second twin quinella contest only, if there is a dead heat for second involving contestants representing two (2) or more betting interests, the twin quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(1) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one (1) covered combination, to subdivision (2).

(2) As a single price pool to those combining the winner with the one (1) covered betting interest involved in the dead heat for second; but if there are no such wagers, to subdivision (3).

(3) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, to subdivision (4).

(4) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second, to subsection (5).

(5) As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, to subsection (6).

(6) In accordance with subsection (b).

(h) If a winning ticket for the first half of the twin quinella is not presented for exchange prior to the close of betting on the second half twin quinella contest, the ticket holder forfeits all rights to any distribution of the twin quinella pool resulting from the outcome of the second contest.

(i) Should a betting interest in the first half of the twin quinella be scratched, those twin quinella wagers, including the scratched betting interest, shall be refunded.

(j) Should a betting interest in the second half of the twin quinella be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin quinella contest, the ticket holder forfeits all rights to the twin quinella pool.

(k) If either of the twin quinella contests is canceled prior to the first twin quinella contest, or the first twin quinella contest is declared no contest, the entire twin quinella pool shall be refunded on twin quinella wagers for that contest.

(l) If the second half twin quinella contest is canceled or declared no contest after the conclusion of the first twin quinella contest, the net twin quinella pool shall be distributed as a single price pool to wagers selecting the winning combination in the first twin quinella contest and all valid exchange tickets. If there are no such wagers, the net twin quinella pool shall be distributed as described in subsection (b). (*Indiana Horse Racing Commission; 71 IAC 9-4-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1194; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-14 Twin trifecta pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 14. (a) The twin trifecta requires selection of the first three (3) finishers, in their exact order, in each of two (2) designated

contests. Each winning ticket for the first twin trifecta contest must be exchanged for a free ticket on the second twin trifecta contest in order to remain eligible for the second half twin trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second twin trifecta contest. Winning first half twin trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta contests shall be included in only one (1) twin trifecta pool.

(b) After wagering closes for the first half of the twin trifecta and commissions have been deducted from the pool, the net pool shall then be divided into separate pools:

- (1) the first half twin trifecta pool; and
- (2) the second half twin trifecta pool.

(c) In the first twin trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta contest:

- (1) As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (2).
- (2) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (3).
- (3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (4).
- (4) The entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest and the second half shall be canceled.

(d) If no first half twin trifecta ticket selects the first three (3) finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second half twin trifecta pool. In such case, the second half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.

(e) Winning tickets from the first half of the twin trifecta shall be exchanged for tickets selecting the first three (3) finishers of the second half of the twin trifecta. The second half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta contest:

- (1) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such tickets, to subdivision (2).
- (2) The entire second half twin trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second half twin trifecta pool of the next consecutive performance.

(f) If a winning first half twin trifecta ticket is not presented for cashing and exchange prior to the second half twin trifecta contest, the ticket holder may still collect the monetary value associated with the first half twin trifecta pool but forfeits all rights to any distribution of the second half twin trifecta pool.

(g) Uncoupled entries and mutuel fields shall be prohibited in twin trifecta contests.

(h) Should a betting interest in the first half of the twin trifecta be scratched, those twin trifecta wagers, including the scratched betting interest, shall be refunded.

(i) Should a betting interest in the second half of the twin trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin trifecta contest, the ticket holder forfeits all rights to the second half twin trifecta pool.

(j) If, due to a late scratch, the number of betting interests in the second half of the twin trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning tickets shall be entitled to the second half twin trifecta pool for that contest as a single price pool, but not the twin trifecta carryover.

(k) If there is a dead heat or multiple dead heats in either the first half or second half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

- (1) the first half of the twin trifecta, the payoff shall be calculated as a profit split; and
- (2) the second half of the twin trifecta, the payoff shall be calculated as a single price pool.

(l) If either of the twin trifecta contests are canceled prior to the first twin trifecta contest, or the first twin trifecta contest is declared no contest, the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest and the second half shall be canceled.

(m) If the second half twin trifecta contest is canceled or declared no contest, all exchange tickets and outstanding first half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that contest as a single price pool, but not twin trifecta carryover. If there are no such tickets, the second half twin trifecta pool shall be retained and added to any existing twin trifecta

carryover pool as described in subsection (d).

(n) The twin trifecta carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the twin trifecta carryover equals or exceeds the designated cap, the twin trifecta carryover will be frozen until it is won or distributed under this rule. After the twin trifecta carryover is frozen, one hundred percent (100%) of the net twin trifecta pool for each individual contest shall be distributed to winners of the first half of the twin trifecta pool.

(o) A written request for permission to distribute the twin trifecta carryover on a specific performance may be submitted to the commission. The request must contain the following:

- (1) Justification for the distribution.
- (2) An explanation of the benefit to be derived.
- (3) The intended date and performance for the distribution.

(p) Should the twin trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the twin trifecta after completion of the first half of the twin trifecta:

- (1) As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (2).
- (2) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (3).
- (3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (4).
- (4) As a single price pool to holders of valid exchange tickets; but if there are not such holders, to subdivision (5).
- (5) As a single price pool to holders of outstanding first half winning tickets.

(q) Contrary to subsection (b), during a performance designated to distribute the twin trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the twin trifecta. If there are no wagers correctly selecting the first place, second place, and third place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first place and second place betting interests. If there are no wagers correctly selecting the first place and second place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first place betting interest only. If there are no wagers selecting the first place betting interest only in the first half of the twin trifecta, all first half tickets will become winners and will receive one hundred percent (100%) of that day's net twin trifecta pool and any existing twin trifecta carryover as a single price pool.

(r) The twin trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (1) Upon written approval from the commission as provided in subsection (o).
- (2) Upon written approval from the commission when there is a change in the carryover cap or when the twin trifecta is discontinued.
- (3) On the closing performance of the meet or split meet.

(s) If, for any reason, the twin trifecta carryover must be held over to the corresponding twin trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover plus accrued interest shall then be added to the second half twin trifecta pool of the following meet on a date and performance so designated by the commission.

(t) Providing information to any person regarding:

- (1) covered combinations;
- (2) amounts wagered on specific combinations;
- (3) number of tickets sold; or
- (4) number of valid exchange tickets;

is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

(u) The association must obtain written approval from the commission concerning:

- (1) the scheduling of twin trifecta contests;
- (2) the percentages of the net pool added to the first half pool and second half pool; and
- (3) the amount of any cap to be set on the carryover.

Any changes to the approved twin trifecta format require prior approval from the commission.

(v) Nonwinning second half twin trifecta tickets have no monetary value, and no refunds or exchanges will be made after the start of the second twin trifecta race. (*Indiana Horse Racing Commission; 71 IAC 9-4-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1196; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2084; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-15 Superfecta pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. (a) The superfecta requires selection of the first four (4) finishers, in their exact order, for a single contest.

(b) The net superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose combination finished in correct sequence as the first four (4) betting interests; but if there are no such wagers, to subdivision (2).

(2) As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (3).

(3) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (4).

(4) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (5).

(5) The entire pool shall be refunded on superfecta wagers for that contest.

(c) If less than four (4) betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving:

(1) contestants representing four (4) or more betting interests, all of the wagering combinations selecting four (4) betting interests, which correspond with any of the betting interests involved in the dead heat, shall share in a profit split;

(2) contestants representing three (3) betting interests, all of the wagering combinations selecting the three (3) dead-heated betting interests, irrespective of order, along with the fourth place betting interest, shall share in a profit split; or

(3) contestants representing two (2) betting interests, both of the wagering combinations selecting the two (2) dead-heated betting interests, irrespective of order, along with the third place betting interest, shall share in a profit split.

(e) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(f) If there is a dead heat for third, all wagering combinations correctly selecting the first two (2) finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third, shall share in a profit split.

(g) Uncoupled entries and mutuel fields shall be prohibited in superfecta contests. (*Indiana Horse Racing Commission; 71 IAC 9-4-15; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2160; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 9-4-16 Odd-even pool

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 16. (a) The odd-even wager requires the selection of the odd number or the even number of the betting interest, as listed in the official program, which is the first place finisher in a contest.

(b) A patron purchasing an odd-even pari-mutuel ticket shall designate "odd" or "even". An "odd" ticket represents a wager on each betting interest with an odd number as listed in the official program in a contest. An "even" ticket represents a wager on each betting interest with an even number as listed in the official program in a contest.

(c) The odd-even is a pool separate from, and with no relation to, the win, place, and show pools shown on the totalizator board. The odd-even pool is calculated as a single price pool.

(d) If the betting interest finishing first has an odd program number, the odd-even pool shall be distributed to the holders of tickets designating odd. If the betting interest finishing first has an even program number, the odd-even pool shall be distributed

to the holders of tickets designating even.

(e) Except as otherwise provided by this section, if, after wagering has begun a betting interest entered in an odd-even race is scratched, declared out, or prevented from racing, there will be no refund.

(f) Except as otherwise provided by this section, if a race ends in a dead heat for first place between a betting interest with an odd program number and a betting interest with an even program number, the program number of the third place finishing betting interest will determine the winners of the odd-even pool. If there is a dead heat for third place between a betting interest with an odd program number and a betting interest with an even program number, the program number of the fifth place betting interest will determine the winners of the odd-even pool. If a race ends a dead heat for first place between three (3) betting interests, the type of program number of the majority of the betting interests involved in the dead heat will determine the winners of the odd-even pool. *(Indiana Horse Racing Commission; 71 IAC 9-4-16; emergency rule filed Mar 18, 1998, 1:40 p.m.: 21 IR 3023; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

ARTICLE 10. DUE PROCESS AND DISCIPLINARY ACTION

Rule 1. General Provisions

71 IAC 10-1-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-21.5; IC 4-31

Sec. 1. All disciplinary hearings conducted by the judges shall be conducted in accordance with this article. All other proceedings conducted on behalf of the commission shall be conducted in accordance with this article and with IC 4-21-5 [sic., IC 4-21.5]. *(Indiana Horse Racing Commission; 71 IAC 10-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1198; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2109; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 10-1-2 Suspensions

Authority: IC 4-31-3-9

Affected: IC 4-21.5; IC 4-31

Sec. 2. At their respective discretion, the suspension of a license by the judges, the commission, or the commission's designee may:

- (1) commence immediately or as of a specified date and run for the number of consecutive days imposed, not to exceed the maximum;
- (2) commence at the start of the next race meeting in Indiana and run for the number of consecutive days imposed, not to exceed the maximum; or
- (3) commence immediately or as of a specified date and run for the number of consecutive days left in the current race meeting, with the remaining suspension running from the start of the next race meeting in Indiana for the remaining number of consecutive days imposed, not to exceed the maximum.

(Indiana Horse Racing Commission; 71 IAC 10-1-2; emergency rule filed Aug 29, 1994, 2:15 p.m.: 18 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

Rule 2. Proceedings by Judges

71 IAC 10-2-1 Rights of the licensee

Authority: IC 4-31-3-9

Affected: IC 4-21.5-2-2; IC 4-31-13

Sec. 1. (a) In a disciplinary hearing conducted by the judges, a person who is the subject of the disciplinary hearing is entitled to:

- (1) proper notice of all charges against the person; and
- (2) confront the evidence presented against the person, including the right:

- (A) to counsel at the person's expense;
- (B) to present a defense;
- (C) to call witnesses; and
- (D) to cross examine witnesses testifying against the person.

(b) After being informed by the judges of a violation and the proposed penalty to be imposed, a licensee may waive his or her right to a disciplinary hearing by executing a written waiver. In so doing, the licensee consents to the imposition of the penalty. (*Indiana Horse Racing Commission; 71 IAC 10-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1198; emergency rule filed Sep 30, 1994, 1:30 p.m.: 18 IR 274; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-2 Complaints

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 2. (a) On their own motion or on receipt of a complaint from an official or other person regarding the actions of a licensee, the judges may conduct an inquiry and disciplinary hearing regarding a licensee's actions.

(b) A complaint must be in writing and filed with the judges. (*Indiana Horse Racing Commission; 71 IAC 10-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1198; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-3 Summary suspension

Authority: IC 4-31-3-9

Affected: IC 4-21.5-4; IC 4-31-13

Sec. 3. (a) If the judges determine that a licensee's actions constitute an immediate danger to the public health, safety, or welfare, or are not in the best interest of racing, or compromise the integrity of operations at a track or satellite facility, the judges may summarily suspend the license pending a hearing pursuant to the provisions of IC 4-21.5-4.

(b) A licensee whose license has been summarily suspended by the judges is entitled to a hearing following a written request by the licensee.

(c) The judges shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling.

(d) Notwithstanding the provisions of 71 IAC 10-3-20, the commission delegates to the executive director the authority to summarily suspend licenses at any time that a live race meeting is not being conducted on association premises or when the judges are not otherwise available. The commission delegates to the executive director the authority to summarily suspend licenses at satellite facilities at any time. In the event of a summary suspension by the executive director and if the licensee makes a written request for a hearing, a hearing on the summary suspension shall be conducted by the commission or an administrative law judge as quickly as is practicable. (*Indiana Horse Racing Commission; 71 IAC 10-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1198; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1505; emergency rule filed Nov 30, 1995, 1:00 p.m.: 19 IR 688; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2426; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-4 Notice

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-1; IC 4-31-13

Sec. 4. (a) Except as provided by these rules regarding summary suspensions, the judges shall provide written notice, at least twelve (12) hours before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive his or her right to twelve (12) hours' notice by executing a written waiver.

(b) Notice given under this section must include the following:

(1) The names and mailing addresses of all parties and other persons to whom notice is being given by the judges.

(2) The name, official title, and mailing address of any counsel or employee who has been designated to appear for the commission and a telephone number through which the counsel or employee can be reached.

- (3) The official file or other reference number, and the name of the proceeding.
- (4) A statement of the time, place, and nature of the hearing.
- (5) A statement of the legal authority and jurisdiction under which hearing is to be held.
- (6) A reference to the particular sections of the statutes or rules involved.
- (7) The name, official title, and mailing address of the judges and a telephone number through which information concerning hearing schedules and procedures may be obtained.
- (8) A short, plain description of the alleged conduct that has given rise to the disciplinary hearing.
- (9) If there was a complaint, a copy of the complaint filed with the judges.
- (10) The possible penalties that may be imposed.
- (11) A statement that a party who fails to attend or participate in a hearing or other later stage of the proceeding may be held in default or have a proceeding dismissed.

(c) If possible, the judges or their designee shall hand deliver the written notice of the disciplinary hearing to the person who is the subject of the hearing. If hand delivery is not possible, the judges shall mail the notice to the person's last known address, as found in the commission's licensing files, by regular mail. If the identity, address, or existence of a person is not ascertainable, service shall be made by a single publication in a newspaper of general circulation under IC 4-21.5-3-1.

(d) The judges may take any appropriate action, including, but not limited to, the immediate suspension of the license of a person who fails to appear at a disciplinary hearing after receiving written notice of the hearing. (*Indiana Horse Racing Commission; 71 IAC 10-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1198; emergency rule filed Sep 30, 1994, 1:30 p.m.: 18 IR 275; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1505; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2889, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2163; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2109; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-5 Continuances

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 5. (a) Upon receipt of a notice, a person may, for good cause, request a continuance of the hearing.

(b) The judges may grant a continuance of any hearing for good cause shown, which would include the possibility of settlement of the issues. The grant or denial of a continuance is within the sole discretion of the judges.

(c) The judges may at any time order a continuance on their own motion. (*Indiana Horse Racing Commission; 71 IAC 10-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1199; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2164; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2426; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-6 Evidence

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-26; IC 4-31-13

Sec. 6. (a) Each witness at a disciplinary hearing conducted by the judges must be sworn by the presiding judge.

(b) The judges shall allow a full presentation of evidence and are not bound by the technical rules of evidence. The judges may admit hearsay evidence under IC 4-21.5-3-26. Upon proper objection, the judges shall exclude evidence that is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds or on the basis of any claim of privilege recognized by state law.

(c) The burden of proof is on the person bringing the complaint to show, by a preponderance of the evidence, that the licensee has violated or is responsible for a violation of the Act or a commission rule.

(d) The judges shall make a tape recording or other reliable recording of a disciplinary hearing and make a copy of the recording available on request, at the expense of the requesting person. (*Indiana Horse Racing Commission; 71 IAC 10-2-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1199; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-7 Ruling

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-1; IC 4-31-13-2

Sec. 7. (a) The issues at a disciplinary hearing shall be decided by a majority vote of the judges. If the vote is not unanimous, the dissenting judge shall include with the record of the hearing a written statement of the reasons for the dissent.

(b) A ruling by the judges must be on a form prescribed by the commission and include the following:

(1) The full name, Social Security number (optional), date of birth, last record address, license type, and license number of the person who is the subject of the hearing.

(2) A statement of the charges against the person, including a reference to the specific section of the Act or rules of the commission that the licensee is found to have violated.

(3) The date of the hearing and the date the ruling was issued.

(4) The penalty imposed.

(5) If there was a settlement, the settlement that was agreed to.

(6) Any changes in the order of finish or purse distribution.

(7) A statement of the available procedures and time limit for appealing the ruling to the commission.

(8) Other information required by the commission.

(c) A ruling must be signed by a majority of the judges.

(d) If possible, the judges or their designee shall hand deliver a copy of the ruling to the person who is the subject of the ruling. If hand delivery is not possible, the judges shall mail the ruling to the person's last known address, as found in the commission's licensing files, by regular mail. If the identity, address, or existence of a person is not ascertainable, service shall be made by a single publication in a newspaper of general circulation under IC 4-21.5-3-1. If the ruling includes the disqualification of a horse, the judges shall provide a copy of the ruling to the owner of the horse in the manner provided by this subsection.

(e) At the time the judges inform a person who is the subject of the proceeding of the ruling, the judges shall inform the person of the person's right to appeal the ruling to the commission.

(f) The suspension of a license or the imposition of a civil penalty must occur within sixty (60) days after the date of the violation under IC 4-31-13-2(b).

(g) All fines imposed by the judges shall be paid to the commission in accordance with 71 IAC 7-5-3. (*Indiana Horse Racing Commission; 71 IAC 10-2-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1199; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1506; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-8 Effect of rulings

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 8. (a) Rulings against a licensee apply to another person if continued participation in an activity by the other person would circumvent the intent of a ruling by permitting the person to serve, in essence, as a substitute for the ineligible licensee because:

(1) the other person is legally responsible for the conduct that is the subject of the ruling; or

(2) the other person benefited financially from the conduct that is the subject of the ruling.

(b) The fraudulent transfer of a horse to avoid application of a commission rule or ruling is prohibited.

(c) The judges shall honor the rulings issued by other pari-mutuel racing commissions.

(d) A ruling approving and accepting a settlement involving a licensee shall have no substantive precedent.

(e) Unless a ruling specifically states otherwise, any person suspended or determined to be ineligible for licensing shall be excluded and denied access to all facilities under the jurisdiction of the commission, including satellite facilities, during the period of suspension or ineligibility. (*Indiana Horse Racing Commission; 71 IAC 10-2-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1200; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2165; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2426; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-9 Appeals

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 9. (a) A person who has been aggrieved or adversely affected by a ruling or decision of the judges may appeal to the commission. A person who fails to file an appeal by the deadline and in the form required by this section waives the right to appeal the ruling.

(b) An appeal under this section must be filed not later than fifteen (15) days after the ruling or decision is served upon the person. The appeal must be filed with the commission. The appeal must be accompanied by a deposit of five hundred dollars (\$500) in the form of a cashier's check or money order to defray the costs of appeal. The costs of appeal shall consist of the cost of the court reporter, the cost of the transcript required for the appeal, and the cost of the administrative law judge. If a person is wholly or partially successful in prosecuting an appeal and a final order is entered on their behalf, the costs of appeal will be assessed against the commission. In all other instances, the costs of appeal will be assessed against the person bringing the appeal. The deposit provided for by this subsection will be applied toward any such assessment. To the extent that such an assessment is less than the amount of the deposit, that difference shall be refunded to the person initiating the appeal. To the extent that the assessment exceeds the amount of the deposit, the person initiating the appeal is responsible for remitting the balance to the commission within ten (10) days of such a request after the issuance of a final order.

(c) An appeal must be in writing on a form prescribed by the commission. The appeal must include:

- (1) the name, address, telephone number, and signature of the person making the appeal; and
- (2) a statement of the basis for the appeal, identified with reasonable particularity.

(d) On notification by the commission that an appeal has been filed, the judges shall forward to the commission the record of the proceeding on which the appeal is based.

(e) If a person against whom a fine has been assessed files an appeal of the ruling that assesses the fine, payment of the fine is not due until seven (7) days after a final determination or order has been entered which supports the imposition of such a sanction.

(f) A decision by the judges regarding the running of the race is final and may not be appealed. (*Indiana Horse Racing Commission; 71 IAC 10-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1200; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3415; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2427; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2110; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-2-10 Stay

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 10. (a) A person who has been disciplined by a ruling of the judges may apply to the commission for a stay of the ruling, pending action on an appeal by the commission.

(b) An application for a stay must be filed with the commission not later than the deadline for filing an appeal.

(c) An application for a stay must be in writing and include the following:

- (1) The name, address, telephone number, and signature of the person requesting the stay.
- (2) A statement of the justification for the stay.
- (3) The period of time for which the stay is requested.

(d) On a finding of good cause, the commission may grant the stay. A ruling on the stay must be rendered within five (5) days from the time of the application for stay is filed with the commission or the stay is deemed granted. The commission shall notify the person in writing of the commission's decision. The commission may rescind a stay granted under this subsection for good cause.

(e) The fact that a stay is granted is not a presumption that the ruling by the judges is invalid. (*Indiana Horse Racing Commission; 71 IAC 10-2-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1201; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2427; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Proceedings by the Commission

71 IAC 10-3-1 Initiation of proceedings

Authority: IC 4-31-3-9; IC 4-31-3-13

Affected: IC 4-21.5-3-22; IC 4-21.5-3-29; IC 4-31

Sec. 1. (a) A proceeding before the commission may be initiated by a person who timely files an appeal from a judge's ruling.

(b) The commission may in its discretion initiate a disciplinary action against any person under IC 4-31. Such an action may be brought upon the recommendation of the executive director, by the commission on its own motion, or by the commission for the purpose of modifying or assessing penalties or sanctions, or both, in addition to any penalties or sanctions assessed by the judges. If the commission or the executive director brings an action under this section, such action is to be initiated pursuant to the provisions

of 71 IAC 10-3-20 [section 20 of this rule] and is not subject to the requirements contained in 71 IAC 10-2-9.

(c) The commission may institute a proceeding for the enforcement of a subpoena which is issued in support of its power to investigate licensees of the commission and/or any suspected violation of the pari-mutuel statutes or a rule adopted by the commission.

(d) In the event that the commission initiates a proceeding under this section, the issues on any subsequent appeal shall be limited to those raised by the commission. In no way shall the initiation of a proceeding by the commission act as a waiver or otherwise extend the time limits for the appeal of a decision set forth in this article. (*Indiana Horse Racing Commission; 71 IAC 10-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1201; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1506; errata filed Mar 23, 1995, 4:30 p.m.: 18 IR 2126; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2086; emergency rule filed Feb 12, 1998, 4:15 p.m.: 21 IR 2397; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-2 Party designations

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 2. (a) The staff of the commission is always a party to a proceeding before the commission. A person who is the subject of a disciplinary hearing, who filed an appeal from a judges' ruling, or who otherwise seeks relief from the commission is a party to that proceeding.

(b) A party to a proceeding has the right to present a direct case, cross examine each witness, submit legal arguments, and otherwise participate fully in the proceeding.

(c) A party may represent himself or herself or appear and be represented by a person of the party's choosing.

(d) A member of the public who desires to support or oppose a matter in a contested case proceeding pending before the commission must file a motion for nonparty participant status which includes a written statement regarding the person's position on the matter. The motion must be filed not later than the date set by the administrative law judge for the proceeding. At the time of filing, the person shall serve a copy of the statement on each party of record and file a certificate of service with the commission. A nonparty participant's statement may be stricken from the record if the commission determines that it does not substantially comply with this subsection. A nonparty participant may present views and may otherwise participate in a proceeding at the discretion of the administrative law judge and subject to the rules of the commission. (*Indiana Horse Racing Commission; 71 IAC 10-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1201; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-3 Pleadings

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 3. (a) Pleadings filed with the commission include the following:

- (1) Appeals.
- (2) Applications.
- (3) Answers.
- (4) Complaints.
- (5) Exceptions.
- (6) Replies.
- (7) Motions.

Regardless of an error in designation, a pleading shall be accorded its true status in the proceeding in which it is filed.

(b) A request for discovery or a response to a request for discovery is not a pleading and is not a part of the administrative record of a contested case unless the request or response is offered into evidence.

(c) A pleading for which the commission staff has not prepared an official form must contain:

- (1) the name of the pleader;
- (2) the telephone number and street address of the pleader's residence and business and the telephone number and street address of the pleader's representative, if any;
- (3) the jurisdiction of the commission over the subject matter;
- (4) a concise statement of the facts relied on by the pleader;

- (5) a request stating the type of commission action desired by the pleader;
- (6) the name and address of each person who the pleader knows or believes will be affected if the request is granted;
- (7) a proposed order containing proposed findings of fact and conclusions of law;
- (8) any other matter required by statute or commission rule; and
- (9) a certificate of service.

(d) A party filing a pleading shall mail or deliver a copy of the pleading to each party of record. If a party is being represented by an attorney or other representative, service may be made on the attorney or representative instead of on the party. The knowing failure of a party to make service in accordance with this subsection is grounds for the commission to strike the pleading from the record.

(e) An objection to a defect, omission, or fault in the form or content of a pleading must be specifically stated in a motion or an exception presented not later than the prehearing conference if one is held and not later than fifteen (15) days before the date of the hearing if a prehearing conference is not held. A party who fails to timely file an objection under this subsection waives the objection.

(f) Except as otherwise provided by this subsection, a pleader may amend or supplement a pleading at any time before the twenty-first day after the date the pleading was filed, but not later than five (5) days before the date of the hearing. A pleader may amend or supplement a pleading at any time:

- (1) on written consent of each party of record; or
- (2) as permitted by the administrative law judge for the proceeding;

when justice requires the amendment or supplementation and when the amendment or supplementation will not unfairly surprise another party.

(g) A pleading may adopt or incorporate by specific reference any part of a document in the official files and records of the commission. This subsection does not relieve the pleader of the duty to allege in detail all facts necessary to sustain the pleader's burden of proof. (*Indiana Horse Racing Commission; 71 IAC 10-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1201; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-4 Filing pleadings

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 4. (a) Except as otherwise provided by this section, an original and one (1) copy of each pleading must be filed with the commission. An original and one (1) copy of each pleading relating to discovery must be filed with the commission. A pleading is considered filed only when actually received by the commission. Each pleading must include a certification that a copy has been served on each party of record, stating the name of each party served and the date and manner of service.

(b) If a pleading is sent to the commission by first class United States mail in an envelope or wrapper properly addressed and stamped and is deposited in the mail one (1) day or more before the last day for filing the pleading, the pleading is considered received and filed in time if the pleading is actually received not more than ten (10) days after the deadline. A legible postmark affixed by the United States postal service is prima facie evidence of the date of mailing. For purposes of responsive pleadings for which the deadline for filing is set by the filing of another pleading, the pleading to be filed first is considered filed when actually received by the commission.

(c) Unless otherwise provided by statute, the administrative law judge for a proceeding may extend the time for filing a pleading on a motion made by a party before the filing deadline if the administrative law judge determines that there is good cause for the extension and that the need for the extension is not caused by the neglect, indifference, or lack of diligence of the party making the motion. A copy of a motion made under this section must be served on all parties of record contemporaneously with the filing of the motion.

(d) A pleading may be filed by facsimile, provided an original and the required number of copies are received in the commission's office not later than 5 p.m. of the third day after the date the document was filed by facsimile. The inability to transmit a document due to equipment malfunction or any other cause does not relieve the person attempting to file the document of the filing deadline.

(e) If the deadline for filing a pleading falls on a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

(f) The failure to file a pleading in accordance with this section may result in the pleading being struck. (*Indiana Horse Racing*

Commission; 71 IAC 10-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1202; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2110; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 10-3-5 Notice

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 5. (a) Not less than five (5) days before the date set for a hearing, the commission shall serve written notice on each party of record to the proceeding.

(b) A notice of the hearing must include:

- (1) the names and mailing addresses of all parties and other persons to whom notice is being given by the commission;
- (2) the name, official title, and mailing address of any counsel or employee who has been designated to appear for the commission and a telephone number through which the counsel or employee can be reached;
- (3) the official file or other reference number and the name of the proceeding;
- (4) a statement of time, place, and nature of the hearing;
- (5) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (6) a reference to the particular sections of the Act and rules of the commission involved;
- (7) the name, official title, and mailing address of the administrative law judge and a telephone number through which information concerning hearing schedules and procedures may be obtained;
- (8) a short, plain statement of the matters asserted;
- (9) a statement that a party who fails to attend or participate in a hearing or other later stage of the proceeding may be held in default or have a proceeding dismissed; and
- (10) any other statement required by law.

(c) If the commission determines that a material error has been made in a notice of hearing, or that a material change has been made in the nature of a proceeding after notice has been issued, the commission shall issue a revised notice. The party who has caused the change or error requiring revised notice shall bear the expense of giving revised notice.

(d) A party to a proceeding may move to postpone the proceeding. The motion must be in writing, set forth the specific grounds on which it is sought, and be filed with the commission before the date set for hearing. If the person presiding over the proceeding grants the motion for postponement, the commission shall cause new notice to be issued.

(e) After a hearing has begun, the administrative law judge may grant a continuance on oral or written motion, without issuing new notice, by announcing the date, time, and place for reconvening the hearing before recessing the hearing. *(Indiana Horse Racing Commission; 71 IAC 10-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1203; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 10-3-6 Place, time, and nature of hearings

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 6. (a) A hearing in a commission proceeding is open to the public, however, witnesses may be excluded or sequestered.

(b) A hearing shall be held in Indianapolis, Indiana unless:

- (1) for good cause stated in open meeting, the commission designates another place for the hearing; or
- (2) the Act requires otherwise.

(c) Unless precluded by law or objected to by a party, the commission may allow informal disposition of a proceeding without a hearing. Informal disposition includes disposition by stipulation, agreed settlement, consent order and default. *(Indiana Horse Racing Commission; 71 IAC 10-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1203; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 10-3-7 Administrative law judges

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 7. (a) One (1) or more members of the commission acting as the administrative law judge or an administrative law judge may serve as the administrative law judge for a commission proceeding.

(b) The administrative law judge may:

- (1) authorize the taking of depositions;
- (2) issue subpoenas to compel the attendance of witnesses and the production of papers and documents;
- (3) administer oaths;
- (4) receive evidence;
- (5) rule on the admissibility of evidence and amendments to pleadings;
- (6) examine witnesses;
- (7) set reasonable times within which a party may present evidence and within which a witness may testify;
- (8) permit and limit oral argument;
- (9) issue interim orders;
- (10) recess a hearing from day to day and place to place;
- (11) request briefs before or after the administrative law judge files a report or proposal for decision;
- (12) propose findings of fact and conclusions of law;
- (13) propose orders and decisions; and
- (14) perform other duties necessary to a fair and proper hearing.

(c) A person serving as the administrative law judge of a proceeding must be a disinterested party to the proceeding. (*Indiana Horse Racing Commission; 71 IAC 10-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1203; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-8 Conferences

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 8. (a) On written notice, the administrative law judge may, on his or her own motion or on the motion of a party, direct each party to appear at a specified time and place for a prehearing conference to formulate issues and consider any of the following:

- (1) Simplifying issues.
- (2) Amending the pleadings.
- (3) Making admissions of fact or stipulations to avoid the unnecessary introduction of proof.
- (4) Designating parties.
- (5) Setting the order of procedure at a hearing.
- (6) Identifying and limiting the number of witnesses.
- (7) Resolving other matters that may expedite or simplify the disposition of the controversy, including settling issues in dispute.

(b) The administrative law judge shall issue an order with respect to the action taken at the prehearing conference unless the parties enter into a written agreement as to the action. The administrative law judge may enter appropriate orders concerning prehearing discovery, stipulations of uncontested matters, presentation of evidence, and scope of inquiry.

(c) During a hearing, on written notice or notice stated into the record, the administrative law judge may direct each party or the representative of each party to appear for a conference to consider any matter that may expedite the hearing and serve the interests of justice. The administrative law judge shall prepare a written statement regarding the action taken at the conference. (*Indiana Horse Racing Commission; 71 IAC 10-3-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1204; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2111; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-9 Discovery

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 9. (a) On written request by a party, the administrative law judge may issue a subpoena addressed to a sheriff or any constable to require the attendance of witnesses and the production of books, records, papers, or other objects as may be necessary and proper for the purposes of a proceeding. A motion for a subpoena to compel the production of books, records, papers, or other

objects shall:

- (1) be addressed to the appropriate person;
- (2) be verified; and
- (3) specify the books, records, papers, or other objects desired and the relevant and material facts to be proved by them.

(b) All motions for discovery shall be subject to the civil procedures statutes of this jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 10-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1204; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-10 Order of hearing

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 10. (a) The administrative law judge shall:

- (1) open the hearing;
- (2) make a concise statement of its scope and purposes; and
- (3) announce that a record of the hearing is being made.

(b) When a hearing has begun, a party or a party's representative may make statements off the record only as permitted by the administrative law judge. If a discussion off the record is pertinent, the administrative law judge shall summarize the discussion for the record.

(c) Each appearance by a party, a party's representative, or a person who may testify must be entered on the record.

(d) The administrative law judge shall receive motions and afford each party of record an opportunity to make an opening statement.

(e) Except as otherwise provided by this subsection, the party with the burden of proof is entitled to open and close. The administrative law judge shall designate who may open and close in a hearing on a proceeding if the proceeding was initiated by the commission or if several proceedings are heard on a consolidated record.

(f) After opening statements, the party with the burden of proof may proceed with the party's direct case. Each party may cross examine each witness.

(g) After the conclusion of the direct case of the party having the burden of proof, each other party may present their direct case and their witnesses will be subject to cross examination.

(h) The members of the commission or the administrative law judge, or both, may examine any witnesses.

(i) At the conclusion of all evidence and cross examination, the administrative law judge shall allow closing statements.

(j) Before writing a report or proposal for decision if required by law, the administrative law judge may call on a party for further relevant and material evidence on a issue. The administrative law judge may not consider the evidence or allow it into the record without giving each party an opportunity to inspect and rebut the evidence. (*Indiana Horse Racing Commission; 71 IAC 10-3-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1204; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-11 Behavior

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 11. (a) Each party, witness, attorney, or other representative shall behave in all commission proceedings with dignity, courtesy, and respect for the commission, the administrative law judge and all other parties and participants.

(b) An individual who violates this section may be excluded from a hearing by the administrative law judge. (*Indiana Horse Racing Commission; 71 IAC 10-3-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1205; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-12 Evidence

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 12. (a) All testimony must be given under oath administered by the administrative law judge. The administrative law judge

may limit the number of witnesses and shall exclude all irrelevant, immaterial, or unduly repetitious evidence.

(b) The administrative law judge shall follow the rules of evidence as applied in administrative hearing procedures in this state. If necessary to ascertain facts not reasonably susceptible of proof under those rules, the administrative law judge may, unless precluded by statute, admit evidence not admissible under those rules, provided the evidence is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. The rules of privilege recognized by law in this jurisdiction apply in commission proceedings.

(c) A party may object to offered evidence and the objection shall be noted in the record. Formal exceptions to rulings by the administrative law judge during a hearing are unnecessary. A party, at the time an objection is made or sought, shall make known to the administrative law judge the action the party desires.

(d) When the administrative law judge rules to exclude evidence, the party offering the evidence may make an offer of proof by dictating or submitting in writing the substance of the proposed evidence before the closing of the hearing. The offer of proof preserves the point for review. The administrative law judge may ask a witness or offered witness questions necessary to indicate that the witness would testify as represented in the offer of proof. An alleged error in sustaining an objection to questions asked on cross examination is preserved without making an offer of proof.

(e) The administrative law judge may take official notice of judicially recognizable facts and of facts generally recognized within the area of the commission's specialized knowledge. The commission shall notify each party of record before the final decision in a proceeding of each specific fact officially noticed, including any facts or other data in staff memoranda. A party must be given an opportunity to rebut the facts to be noticed.

(f) The special skills and knowledge of the commission and the commission staff may be used in evaluating the evidence. In addition, during the course of any proceedings under these rules which are brought by or are pending before the commission, the commission staff may recommend the imposition of penalties and sanctions authorized by statute which the administrative law judge may in its discretion accept, reject, or modify.

(g) The administrative law judge may receive documentary evidence in the form of copies or excerpts if the original is not readily available. On request, the administrative law judge shall allow a party to compare the copy with the original. If many similar documents are offered in evidence, the administrative law judge may limit the documents admitted to a number which are representative of the total number, or may require that the relevant data be abstracted from the documents and presented as an exhibit. If the administrative law judge requires an abstract, the administrative law judge shall allow each party or the party's representative to examine the documents from which the abstracts are made.

(h) The administrative law judge may require prepared testimony in a hearing if the administrative law judge determines that it will expedite the hearing without substantially prejudicing the interests of a party. Prepared testimony consists of any document that is intended to be offered as evidence and adopted as sworn testimony by a witness who prepared the document or supervised its preparation. A person who intends to offer prepared testimony at a hearing shall prefile the testimony with the commission on the date set by the administrative law judge and shall serve a copy of the prepared testimony on each party of record. The administrative law judge may authorize the late filing of prepared testimony on a showing of extenuating circumstances. The prepared testimony of a witness may be incorporated into the record as if read or received as an exhibit, on the witness being sworn and identifying the writing as a true and accurate record of what the testimony would be if the witness were to testify orally. The witness is subject to clarifying questions and to cross examination, and the prepared testimony is subject to a motion to strike either in whole or in part.

(i) Documentary exhibits must be of a size which will not unduly encumber the record. Whenever practicable, exhibits must conform to the size requirements in these rules for pleadings. The first sheet of the exhibit must briefly state what the exhibit purports to show and the pages of the exhibit must be numbered consecutively. Exhibits may include only facts material and relevant to the issues of the proceeding. Maps or drawings must be rolled or folded so as not to encumber the record. Exhibits not conforming to this subsection may be excluded.

(j) The party offering an exhibit shall tender the original of the exhibit to the administrative law judge for identification. The party shall furnish one (1) copy to the administrative law judge and one (1) copy to each party of record. A document received in evidence may not be withdrawn except with the permission of the administrative law judge. If an exhibit has been offered, objected to, and excluded, and the party offering the exhibit withdraws the offer, the administrative law judge shall return the exhibit to the party. If the party does not withdraw the offered exhibit, the exhibit shall be numbered for identification, endorsed by the administrative law judge with the ruling on the exhibit, and included in the record to preserve the exception.

(k) The administrative law judge may allow a party to offer an exhibit in evidence after the close of the hearing only on a showing of extenuating circumstances and a certificate of service on each party of record. (*Indiana Horse Racing Commission; 71*

IAC 10-3-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1205; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 10-3-13 Reporters and transcripts

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-25; IC 4-31-13

Sec. 13. (a) If necessary, the commission shall engage a court reporter to make a stenographic record of a hearing. The commission may allocate the cost of the reporter and transcript among the parties.

(b) If a person requests a transcript of the stenographic record, the commission may assess the cost of preparing the transcript to the person under IC 4-21.5-3-25.

(c) A party may challenge an error made in transcribing a hearing by noting the error in writing and suggesting a correction not later than ten (10) days after the date the transcript is filed with the commission. The party claiming errors shall serve a copy of the suggested corrections on each party of record, the court reporter, and the administrative law judge. If proposed corrections are not objected to before the fifteenth day after the date the corrections were filed with the commission, the administrative law judge may direct that the suggested corrections be made and the manner of making them. If the parties disagree on the suggested corrections, the administrative law judge shall determine whether to change the record. (*Indiana Horse Racing Commission; 71 IAC 10-3-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1206; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-14 Findings of fact and conclusions of law

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 14. (a) The administrative law judge may direct a party to draft and submit proposed findings of fact and conclusions of law or a proposal for decision that includes proposed findings of fact and conclusions of law. The administrative law judge may limit the request for proposed findings to a particular issue of fact.

(b) Proposed findings of fact submitted under this section must be supported by concise and explicit statements of underlying facts developed from the record with specific reference to where in the record the facts appear.

(c) Only if the administrative law judge requires the filing of proposed findings of fact or a proposal for decision is the commission required to rule on the proposed findings of fact in accordance with statute. If a party is permitted but not required to submit proposed findings or a proposal for decision, the commission is not required to rule on the party's proposed findings. (*Indiana Horse Racing Commission; 71 IAC 10-3-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1206; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-15 Final order and findings

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-27; IC 4-31-13

Sec. 15. (a) The administrative law judge shall issue a final order, including findings of fact under IC 4-21.5-3-27.

(b) If the commission exercises its discretion to concurrently act as the administrative law judge and ultimate authority for the agency, then this section does not apply. Otherwise, the issuance of an order shall be subject to the following:

(1) After an administrative law judge issues an order, the commission shall issue a final order:

- (A) affirming;
- (B) modifying; or
- (C) dissolving;

the administrative law judge's order. The commission may remand the matter, with or without instructions, to an administrative law judge for further proceedings.

(2) In the absence of an objection or notice under subdivision (3) or (4), the commission shall affirm the order.

(3) To preserve an objection to an order of an administrative law judge for judicial review, a party must not be in default under this article and must object to the order in a writing that:

- (A) identifies the basis of the objection with reasonable particularity; and
- (B) is filed with the ultimate authority responsible for reviewing the order within fifteen (15) days (or any longer period

set by statute) after the order is served on the petitioner.

(4) Without an objection under subdivision (3), the commission or its designee may serve written notice of its intent to review any issue related to the order. The notice shall be served on all parties. The notice must identify the issues that the commission intends to review.

(5) A final order disposing of a proceeding or an order remanding an order to an administrative law judge for further proceedings shall be issued within sixty (60) days after the latter of:

- (A) the date that the order was issued;
- (B) the receipt of briefs; or
- (C) the close of oral argument;

unless the period is waived or extended with the written consent of all parties or for good cause shown.

(6) After remand of an order under this section to an administrative law judge, the judge's order is also subject to review under this section.

(Indiana Horse Racing Commission; 71 IAC 10-3-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1206; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2111; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 10-3-16 Dismissal

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 16. On its own motion or a motion by a party, the administrative law judge may dismiss a proceeding, with or without prejudice, under conditions and for reasons that are just and reasonable, including:

- (1) failure to timely pay all required fees to the commission;
- (2) unnecessary duplication of proceedings;
- (3) withdrawal;
- (4) moot questions or obsolete petitions; and
- (5) lack of jurisdiction.

(Indiana Horse Racing Commission; 71 IAC 10-3-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1207; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 10-3-17 Orders

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-29; IC 4-31-13

Sec. 17. (a) The commission shall issue its final order under IC 4-21.5-3-29. A final order of the commission must be in writing and be signed by a majority of the members of the commission who voted in favor of the action taken by the commission. A final order must include findings of facts and conclusions of law, separately stated.

(b) The commission staff shall mail or deliver a copy of the order to each party or the party's representative.

(c) A final order of the commission takes effect on the date the order is issued, unless otherwise stated in the order.

(d) If the commission finds that an imminent peril to the public health, safety, or welfare requires an immediate final order in a proceeding, the commission shall recite that finding in the order in addition to reciting that the order is final from the date issued. An order issued under this subsection is final and appealable from the date issued and a motion for rehearing is not a prerequisite to appeal. *(Indiana Horse Racing Commission; 71 IAC 10-3-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1207; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 10-3-18 Rehearing

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-31; IC 4-31-13

Sec. 18. (a) IC 4-21.5-3-31, pertaining to rehearing after commission action, is hereby incorporated by reference.

(b) An order granting a motion for rehearing vacates the preceding final order. The order granting a motion for rehearing may direct that the hearing be reopened or may incorporate a new final decision. Except as otherwise provided by these rules, if the

commission renders a new decision, a motion for rehearing directed to the new decision is a prerequisite to appeal. (*Indiana Horse Racing Commission; 71 IAC 10-3-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1207; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-19 Ex parte communications

Authority: IC 4-31-3-9

Affected: IC 4-21.5-3-11; IC 4-31-13

Sec. 19. IC 4-21.5-3-11, pertaining to ex parte communications, is hereby incorporated by reference. (*Indiana Horse Racing Commission; 71 IAC 10-3-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1207; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-20 Administrative penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 20. (a) If the commission determines that a person regulated under the Act has violated the Act or a rule or order adopted under the Act in a manner that constitutes a ground for disciplinary action under the Act, the commission may assess an administrative penalty against that person as provided by this section.

(b) The commission delegates to the executive director the authority to prepare and issue preliminary reports pursuant to the Act. If, after examination of a possible violation and the facts relating to that possible violation, the executive director determines that a violation has occurred, the executive director shall issue a preliminary report that states the facts on which the conclusion is based, the fact that an administrative penalty is to be imposed, the amount to be assessed, and any other proposed sanction, including suspension, additional suspension, or revocation. The amount of the penalty may not exceed five thousand dollars (\$5,000) for each violation. Each day or occurrence that a violation continues may be considered a separate violation. In determining the administrative penalty, the executive director shall consider the seriousness of the violation.

(c) Not later than the tenth day after the date on which the executive director issues the preliminary report, the executive director shall provide a copy of the report to the person charged with the violation, together with a statement of the right of the person to a hearing relating to the alleged violation and the amount of the penalty. If possible, the executive director shall hand deliver the preliminary report. If hand delivery is not possible, the executive director shall mail the preliminary report to the person's last known address, as found in the commission's files, by regular mail and by certified mail, return receipt requested.

(d) Not later than the twentieth day after the date on which the executive director delivers or sends the preliminary report, the person charged may make a written request for a hearing or may remit the amount of the administrative penalty to the commission. Failure to request a hearing or to remit the amount of the administrative penalty within the period prescribed by this subsection results in a waiver of a right to a hearing on the administrative penalty as well as any right to judicial review. If the person charged requests a hearing, the hearing shall be conducted in the same manner as other hearings conducted by the commission pursuant to this article.

(e) If it is determined after the hearing that the person has committed the alleged violation, the administrative law judge shall give written notice to the person of the findings established by the hearing and the amount of the penalty and shall enter an order requiring the person to pay the penalty. If a party desires to appeal this order, they shall do so pursuant to the provisions of section 15 of this rule.

(f) Not later than the fifteenth day after the date on which the above order is received from the administrative law judge, the person charged shall pay the administrative penalty in full or exercise the right to appeal. If a person exercises a right of appeal, the amount of the penalty is not required to be paid until the fifteenth day after the date on which all appeals have been exhausted and the commission's decision has been upheld. (*Indiana Horse Racing Commission; 71 IAC 10-3-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1208; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1507; errata filed Mar 23, 1995, 4:30 p.m.: 18 IR 2126; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 10-3-21 Settlement procedures

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 21. (a) In lieu of the preliminary reports and administrative penalties provided for in section 20 of this rule, the commission or the executive director may initiate a disciplinary action by issuing a written complaint containing the reasons and facts relied upon why the person regulated under the Act has violated the Act or a rule or order adopted under the Act.

(b) The person to whom the complaint is directed shall file a written answer within twenty (20) days after service of the complaint, and said answer shall contain an admission or denial of such factual allegation in the complaint and set forth any affirmative defenses.

(c) Within thirty (30) days after filing the answer:

(1) the person to whom the complaint is directed and the executive director shall meet informally to discuss the possibilities of settlement of the alleged violations in the complaint; and

(2) if either the person to whom the complaint is directed or the executive director determines that settlement is unlikely, the executive director may issue a preliminary report under section 20 of this rule.

(d) If the person to whom the complaint is directed and the executive director agree that further discussions are appropriate, then within sixty (60) days of the filing of the answer, a written settlement offer shall be submitted to the administrative law judge or the commission. The commission or the administrative law judge may require the parties to the settlement to make an oral or written presentation.

(e) If the person to whom the complaint was directed and the executive director fail to agree to a written settlement within sixty (60) days of filing the answer, or if the commission votes to reject the settlement, the executive director may issue a preliminary report under section 20 of this rule. The executive director may issue a preliminary report prior to the expiration of the sixty (60) day period mentioned in this section. (*Indiana Horse Racing Commission; 71 IAC 10-3-21; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2165; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 4. Exclusion (Repealed)

(Repealed by Indiana Horse Racing Commission; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2151)

ARTICLE 11. PERMIT APPLICATION REQUIREMENTS AND CRITERIA

Rule 1. Permit Application Requirements and Criteria

71 IAC 11-1-1 Authority

Authority: IC 4-31-3-9

Affected: IC 4-31-3-9; IC 4-31-5

Sec. 1. IC 4-31-3-9 authorizes the commission to adopt rules to implement this article. (*Indiana Horse Racing Commission; 71 IAC 11-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1208; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-2 Purpose

Authority: IC 4-31-3-9

Affected: IC 4-31-5

Sec. 2. The purpose of this article is as follows:

(1) To ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity.

(2) To establish application and permit criteria for the issuance of permits to conduct activities relating to horse racing and pari-mutuel wagering in order to ensure the protection of the public interest.

(3) To ensure that the process for the issuance of permits relating to horse racing and pari-mutuel wagering is fair and equitable.

(Indiana Horse Racing Commission; 71 IAC 11-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1208; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 11-1-3 Time for filing of applications for permit

Authority: IC 4-31-3-9
Affected: IC 4-31-5

Sec. 3. (a) The commission establishes the window period from May 1, 1992, to August 14, 1992, as the one hundred six (106) day period in which initial permit applications shall be submitted. The initial permit applications submitted during the one hundred six (106) day period, which are thereafter accepted for filing by the commission, will be considered and acted upon by the commission as a group when considering whether to grant a permit or permits. Thereafter, initial permit applications to conduct horse racing meetings will be considered and acted upon by the commission from time to time as submitted; provided, however, that initial permit applications received after the initial one hundred six (106) day period will not be considered by the commission until after the commission has considered and acted upon the initial permit applications submitted during the one hundred six (106) day period described above.

(b) Thereafter, subsequent to implementation of subsection (a), permit holders under IC 4-31-5 shall file an annual renewal permit application with the commission no later than November 1 of the year preceding the year in which the horse racing meeting is to be conducted. (*Indiana Horse Racing Commission; 71 IAC 11-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1209; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-4 Application form and affidavit

Authority: IC 4-31-3-9
Affected: IC 4-31-5

Sec. 4. (a) An applicant for a permit under IC 4-31-5 shall submit to the commission an affidavit and application and any exhibits thereto, in the form and manner prescribed by the commission and on forms furnished by the commission. The application and related forms shall be available at the commission's office.

(b) The applicant shall use best efforts to provide all information required to be disclosed in the application. In the event an applicant is unable, despite best efforts, to provide the information required, the applicant shall fully explain and document to the satisfaction of the commission, its inability to provide the information and shall provide such information promptly upon being able to do so.

(c) Upon request of the commission or its agents, the applicant shall provide copies of any documents used in the preparation of its application. (*Indiana Horse Racing Commission; 71 IAC 11-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1209; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-5 Application submission

Authority: IC 4-31-3-9
Affected: IC 4-31-4; IC 4-31-5

Sec. 5. An applicant for a permit under IC 4-31-5 shall submit the following to the commission's office not later than the date specified in section 3 of this rule:

(1) All documents required by IC 4-31 and this article as a single assemblage and sequentially numbered, including exhibits, with each exhibit properly identified.

(2) A letter of transmittal to the commission and, in sealed envelopes, one (1) manually signed, and fifteen (15) copies of the application.

(3) The applicant shall be responsible for the payment of any and all fees and expenses with regard to the initial permit application incurred by the commission, at its discretion, for outside professionals and consultants, excluding legal and investigative fees. As an initial retainer against such initial permit application fee, the applicant shall submit, at the time of providing a permit application to the commission, a cashier's check or certified check in the amount of twenty-five thousand dollars (\$25,000) payable to the commission. Any portion of such fees not required to complete such review as determined by the commission shall be refunded to the applicant within twenty (20) days of the withdrawal or rejection of the initial permit application or within twenty (20) days of the granting of the permit. To the extent additional fees are necessary, as determined by the commission, the applicant shall submit a cashier's check or certified check payable to the commission in an amount requested by the commission within ten (10) days of receipt of such request. Failure to submit such additional fees

will result in suspension of the processing of the permit application by the commission and may ultimately result in the denial of the issuance of a permit.

(4) The applicant shall be responsible for the payment of any and all fees and expenses incurred by the commission, at its discretion, for investigative costs incurred by the commission in investigating the applicant for its initial permit. As an initial retainer against such investigative fee, the applicant shall submit, at the time of providing a permit application to the commission, a cashier's check or certified check in the amount of twenty-five thousand dollars (\$25,000) payable to the commission. Any portion of the investigative fee not required to complete the investigation as determined by the commission shall be refunded to the applicant within twenty (20) days of the withdrawal or rejection of the initial permit application or within twenty (20) days of the granting of the permit. To the extent additional investigative fees are necessary as determined by the commission, the applicant shall submit a cashier's check or certified check payable to the commission in an amount requested by the commission within ten (10) days of receipt of such request. Failure to submit such additional investigative fees will result in suspension of the investigation and/or suspension of the processing of the permit application by the commission and may ultimately result in the denial of the issuance of a permit.

(5) A copy of the ordinance required to be adopted under IC 4-31-4.

(Indiana Horse Racing Commission; 71 IAC 11-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1209; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 11-1-6 Permit criteria

Authority: IC 4-31-3-9

Affected: IC 4-31-4; IC 4-31-5

Sec. 6. (a) The commission may issue a permit under IC 4-31-5 if the commission determines that the applicant meets all of the requirements under IC 4-31 and this title and, that on the basis of all the facts before it, the following is shown:

- (1) The applicant is qualified and financially able to operate a race track.
- (2) Racing meetings at a race track will be operated in accordance with all applicable laws and rules.
- (3) The appropriate county fiscal body has adopted the ordinance required under IC 4-31-4.
- (4) The issuance of a permit will ensure that racing will be conducted with the highest of standards and the greatest level of integrity, and ensure the protection of the public interest.

(b) In reviewing an application, the commission may consider any information, data, reports, findings, factors, or indices available which it considers important or relevant to its determination of whether an applicant is qualified to hold a permit under IC 4-31-5, including, without limitation, the following:

- (1) The integrity of the applicant, its partners, directors, officers, policymakers, owners, directly or indirectly, of any equity, security, or other ownership interest in the applicant, including, but not limited to, the following:
 - (A) Criminal record.
 - (B) Whether a party to litigation over business practices, disciplinary actions over a business license or permit or refusal to renew a license or permit.
 - (C) Proceedings in which unfair labor practices, discrimination, or government regulation of pari-mutuel wagering was an issue or bankruptcy proceedings.
 - (D) Failure to satisfy judgments, orders, or decrees.
 - (E) Delinquency in filing of tax reports or remitting taxes.
 - (F) Any other indices related to the integrity of the applicant which the commission considers important or relevant to its determination.

(2) The quality of physical improvements and equipment proposed or existing in the applicant's facility, including, but not limited to, the following:

- (A) Race track or tracks.
- (B) Stables and stable area.
- (C) Detention barn.
- (D) Paddock, jockeys' and drivers' quarters.
- (E) Grandstand.
- (F) Totalizator equipment.
- (G) Parking.

- (H) Access by road and public transportation.
 - (I) Perimeter fence.
 - (J) Other security improvements and equipment.
 - (K) Starting, timing, photo finish, photo-patrol, or video equipment.
 - (L) Commission work areas.
 - (M) Concessions areas.
 - (N) Pari-mutuel management areas.
 - (O) Any other indices related to the quality of physical improvements and equipment which the commission considers important or relevant to its determination.
- (3) Schedule for completion of facility and feasibility of meeting schedule, including commitments of architects, engineers, contractors, suppliers, materialmen, and vendors.
- (4) The types and variety of pari-mutuel horse racing which applicant seeks to offer.
- (5) Financial ability of the applicant to develop, own, and operate a pari-mutuel facility successfully, including, but not limited to, the following:
- (A) Ownership and control structure; amounts and reliability of development costs.
 - (B) Certainty of site acquisition or lease.
 - (C) Current financial condition.
 - (D) Sources of equity and debt funds, amounts, terms and conditions, and certainty of commitment.
 - (E) Provisions for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues, or other financial adversity.
 - (F) Feasibility of financial plan.
 - (G) Expert opinions relative to feasibility.
 - (H) Any other indices related to financial ability which the commission considers important or relevant to its determination.
- (6) Status of governmental actions required by the applicant's facility, including, but not limited to, the following:
- (A) Necessary road improvements.
 - (B) Necessary public utility improvements.
 - (C) Required governmental approvals for development, ownership, and operation of the facility, including appropriate zoning approvals.
 - (D) Any other indices related to the status of governmental action which the commission considers important or relevant to its determination.
- (7) Management ability of the applicant, including, but not limited to, the following:
- (A) Qualifications of managers, consultants, and other contractors to develop, own, or operate a pari-mutuel facility.
 - (B) Security plan.
 - (C) Plans for human and animal health and safety.
 - (D) Marketing, promotion, and advertising plans.
 - (E) Concession plan.
 - (F) Personnel training plan.
 - (G) Equal employment and affirmative action plans.
 - (H) Any other indices related to management ability which the commission considers important or relevant to its determination.
- (8) Compliance with applicable statutes, charters, ordinances, or regulations.
- (9) Efforts to promote, develop, and improve the horse racing industry in Indiana.
- (10) Impact of facility, including, but not limited to, the following:
- (A) Employment created, purchases of goods and services, public and private investment, and taxes generated.
 - (B) Ecological and environmental impact.
 - (C) Social impact.
 - (D) Cost of public improvements.
 - (E) Any other indices related to the impact of the proposed facility which the commission considers important or relevant to its determination.
- (11) Extent of public support or opposition to horse racing and pari-mutuel wagering at the location where the permit is

sought.

(12) Effects of location of track, including, but not limited to, the following:

- (A) Number, nature, and relative location of other permits.
- (B) Minimum and optimum number of racing days sought by the applicant.
- (C) Any other indices relating to location of track which the commission considers important or relevant to its determination.

(13) The commission may consider any other information which the commission considers important or relevant to a proper determination by the commission.

(Indiana Horse Racing Commission; 71 IAC 11-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1210; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 11-1-7 Assignment of racing meetings

Authority: IC 4-31-3-9

Affected: IC 4-31-5-9

Sec. 7. In determining the assignment of racing meetings and race dates to permit holders under IC 4-31-5-9, the commission shall consider factors relating to the economic and practical feasibility of conducting racing meetings at various tracks. Factors to be considered shall include, without limitation, the following:

- (1) The types and dates of racing meetings being held elsewhere, both within and outside of Indiana.
- (2) The effects that various types of pari-mutuel racing have on one another.
- (3) The quality of horse racing provided at various tracks.
- (4) Past dates.
- (5) Past performance of the permit holder.
- (6) Whether the permit holder has complied with all applicable laws and rules relating to horse racing.
- (7) Whether the assignment will maximize revenues to the state.
- (8) Whether the assignment will adversely affect the public health, welfare, and safety.
- (9) Stability of dates.
- (10) The stability of the racing circuit.

(Indiana Horse Racing Commission; 71 IAC 11-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1211; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1507; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 11-1-8 Changes in permit applications

Authority: IC 4-31-3-9

Affected: IC 4-31-5

Sec. 8. (a) An applicant shall furnish written notification to the commission of any material change in the information originally submitted in its application. This notification shall be made within five (5) days following the event of such change and provide details to the degree of specificity required in the application.

(b) Notwithstanding an applicant's timely notification of a material change in the information submitted in its application, the commission may refuse to consider any substantive amendment to an application after the initial submission of the application.

(Indiana Horse Racing Commission; 71 IAC 11-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1211; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 11-1-9 Additional information

Authority: IC 4-31-3-9

Affected: IC 4-31-5

Sec. 9. The commission may require, either before or after oral presentation, any additional information it considers necessary or relevant from any applicant to clarify, support, or otherwise explain information contained in the applicant's application for the purpose of ruling on a permit application. *(Indiana Horse Racing Commission; 71 IAC 11-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1211; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 11-1-10 Oral presentation by applicant

Authority: IC 4-31-3-9
Affected: IC 4-31-5

Sec. 10. The commission shall provide the applicant for a permit under IC 4-31-5 an opportunity to make an oral presentation of its application to the commission prior to the ruling on the application. The presentation shall be made by an applicant, under oath, at a session of the commission. The presentation shall be limited to the information contained in the applicant's application, and approved supplements thereto and any supplemental information not specifically required to be disclosed in the application. The admission as evidence of such supplemental information shall be subject to the discretion of the commission. The commission is not required to afford an applicant more than one (1) opportunity to make an oral presentation on the same application prior to a commission determination; provided, however, the commission may require an applicant to appear before the commission to clarify or otherwise respond to questions concerning the application as a condition to the issuance of a permit. No opportunity for an oral presentation need be given if, at any time, the commission deems the applicant's application not complete and does not accept the application for filing. (*Indiana Horse Racing Commission; 71 IAC 11-1-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1212; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-11 Permit applications as public records

Authority: IC 4-31-3-9
Affected: IC 4-31-5; IC 5-14-3-2; IC 5-14-3-4

Sec. 11. The secretary of the commission shall retain and safeguard all applications received under IC 4-31-5. Promptly after an application has been filed, the secretary shall deliver the application to the commission for review. Upon filing, the application shall become a public record as defined in IC 5-14-3-2, therefore making the application subject to public inspection or copying, except that any personal financial information required in the application or as a supplement thereto shall be kept confidential in accordance with IC 5-14-3-4(a)(5). (*Indiana Horse Racing Commission; 71 IAC 11-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1212; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-12 Contracts with a permit holder; approval by commission

Authority: IC 4-31-3-9
Affected: IC 4-31-5; IC 4-31-6-1

Sec. 12. (a) Except as provided in 71 IAC 12-1-10, a permit holder may not execute any of the following contracts regarding the operation of the race track for which the permit holder is licensed without the prior approval of the commission:

- (1) A contract, other than an employment contract, for which the amount of consideration is fifty thousand dollars (\$50,000) or more.
- (2) A series of contracts effective during the same fiscal year of the permit holder, other than employment contracts, between the permit holder and the same contractor for which the total amount of consideration of the contracts is fifty thousand dollars (\$50,000) or more.
- (3) A contract for management, concession, or totalizator services or a contract with a horsemen's association.
- (b) A contract that requires approval under this section must be in writing.
- (c) To receive the approval of the commission for a proposed contract subject to this section, the permit holder shall submit to the commission a copy of the proposed contract and background information on the contractor on a form provided by the commission.
- (d) The commission may delegate to the executive director of the commission the authority to approve contracts other than contracts for management, concession, or totalizator services or contracts with horsemen's associations.
- (e) The commission or, upon delegation of the commission, the executive director of the commission, shall determine whether the contract may affect the integrity of pari-mutuel racing. In making a determination that a contract may affect the integrity of racing, the commission or, upon delegation of the commission, the executive director of the commission may consider such factors as it considers relevant, including, without limitation, the following:
 - (1) The value and duration of the contract.
 - (2) The extent to which the contractor will be on the premises of the permit holder.

(3) The relationship of the contract to the general security of a facility, including opportunity for contact between the contractor and race animals, occupational licensees, or patrons.

(4) The opportunity for the contractor to influence the management and conduct of pari-mutuel racing.

(5) The contact with admission, pari-mutuel, or concession money.

(6) Whether the commission has reason to believe that the contractor is incompetent, financially irresponsible, or not of good character.

(f) Until approved by the commission, any contract regarding the operation of a race track described in subsection (a) shall not be valid or binding on any permit holder. The commission or, upon delegation by the commission, the executive director of the commission shall, within forty-five (45) days after submission of a contract to the commission, approve or disapprove the contract, and if not acted upon by the commission within forty-five (45) days after submission, the contract shall be considered approved by the commission. Provided, however, that the commission or, upon delegation by the commission, the executive director of the commission may request additional information regarding the contract during the forty-five (45) day period and shall thereafter have thirty (30) days to act with respect to the contract after receipt of such additional information. Provided, further, that the permit holder may request that the commission take action on the contract within a shorter period of time, which may be accepted by the commission or, upon delegation by the commission, the executive director of the commission in their sole discretion upon a showing of good cause by the permit holder.

(g) Except as provided in 71 IAC 12-1-10, any contract regarding the operation of the race track for less than fifty thousand dollars (\$50,000) entered into by any permit holder shall be filed with the commission within seven (7) days of execution.

(h) A permit holder for a particular location may not receive services from another person or entity at such location if the performance of the services by that person or entity requires a license under IC 4-31-6-1, unless that person or entity is licensed to provide those services at that particular location.

(i) In the event any permit holder takes actions pursuant to any contract which has not been approved or filed as provided herein or which is not permitted as provided in subsection (h), the commission may suspend or revoke the permit held by the permit holder or assess such fines or penalties which the commission shall in its discretion deem appropriate. (*Indiana Horse Racing Commission; 71 IAC 11-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1212; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2086; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-13 Transfers of permits

Authority: IC 4-31-3-9

Affected: IC 4-31-5; IC 4-31-13-1

Sec. 13. (a) A permit issued under IC 4-31-5 is for the benefit of the permit holder only and is applicable only to the location for which the permit is issued. The permit may not be sold or otherwise transferred and shall terminate upon a change of ownership of the permit holder, unless the commission has granted prior written approval of the substantial change of ownership or unless this section has been otherwise complied with.

(b) The sale, pledge, encumbrance, execution of an option agreement, or other transfer of five percent (5%) or more of the equity securities or other ownership interest of a partnership, association, corporation, or other entity holding a permit shall be considered a substantial change of ownership. A "substantial change in ownership", for purposes of this subsection, includes ownership, directly or indirectly, by a person, individually or in association with others, contingent or otherwise, whether through a subsidiary or intermediary, who acquires or has a right to acquire, directly or indirectly, a five percent (5%) or more beneficial ownership of the permit holder. Any request for approval of a substantial change in ownership shall contain the same information that is required to be furnished under section 4 of this rule. Upon receipt of all information required by the commission with regard to a proposed substantial change in ownership, the commission shall, as soon as practicable, make a determination whether to authorize and approve the substantial change in ownership of a permit holder.

(c) The sale, pledge, encumbrance, execution of an option agreement, or other transfer of ownership of a permit which is less than five percent (5%) of the equity securities or other ownership interest of a partnership, association, corporation, or other entity holding a permit shall be considered a nominal change of ownership. A request for approval to make a nominal change of ownership shall be filed with the commission within fifteen (15) days of the execution of the documents upon which the proposed nominal change of ownership will be based. The commission shall determine whether the proposed nominal change of ownership may have an adverse effect upon pari-mutuel racing or the integrity of pari-mutuel racing. The commission or the executive director of the commission shall, within sixty (60) days after the receipt of all information required by the commission or executive director,

including investigation reports, approve or disapprove the requested nominal change of ownership, and if not acted upon by the commission within that sixty (60) day period the request to make a nominal change of ownership shall be considered approved by the commission.

(d) For purposes of subsections (a) and (b), commission approval is not required for:

(1) the transfer of an ownership interest in a permit holder whether substantial or nominal, direct or indirect, if by a publicly traded corporation, and if the beneficial ownership transferred is acquired by a person who will hold the voting securities of the publicly traded corporation for investment purposes only; or

(2) a debt transaction of a publicly traded corporation unless such transaction results in the pledge or encumbrance of the assets or any portion thereof of the permit holder.

A "publicly traded corporation" is one that has voting securities registered under Section 12 of the Securities and Exchange Act of 1934 (1934 Act), or issues securities subject to Section 15(d) of the 1934 Act, or has voting securities exempted from the registration requirements due to Section 3 of the Securities Act of 1933, or is required to file under the 1934 Act.

(e) Any promise, agreement, sale, pledge, encumbrance, option agreement, or other transfer of ownership of a permit, either nominal or substantial, not memorialized by and reduced to writing will be considered void by the commission.

(f) False or misleading information, omission of required information, or substantial deviations from representations in a request for a transfer of any interest in a permit issued by the commission may be cause for termination of the permit, denial of the request for approval, and the imposition of any sanction available to the commission pursuant to IC 4-31-13-1. (*Indiana Horse Racing Commission; 71 IAC 11-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1213; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2112; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-14 Validity of application information

Authority: IC 4-31-3-9

Affected: IC 4-31-5

Sec. 14. False or misleading information, omission of required information, or substantial deviation from representations in the application for a permit under IC 4-31-5 is cause for denial, revocation, or suspension of a permit. (*Indiana Horse Racing Commission; 71 IAC 11-1-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1213; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-15 Enforcement of rules

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. Each permit holder has a duty to comply with the rules of the commission at all times and acknowledge that the rules are a condition under which the permits are granted. (*Indiana Horse Racing Commission; 71 IAC 11-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1213; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-16 Material modification; expansion or reduction of proposed or existing facility

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 16. No permit holder may materially alter an existing or proposed race track facility after a permit has been issued for that facility without prior approval of the commission or, upon delegation by the commission, the secretary of the commission. No permit holder may expand or reduce an existing or proposed race track facility after a permit has been issued for that facility, which expansion or reduction would result in an increase or decrease in the actual cost of the facility of twenty-five thousand dollars (\$25,000) or more as compared to the estimated or projected development costs of the facility as proposed at the time the permit was granted or which would cost in excess of fifty thousand dollars (\$50,000) at an existing facility, without the prior approval of the commission or, upon delegation by the commission, the secretary of the commission. In the event a permit holder shall fail to obtain required approval, the commission may revoke or suspend the permit holder's permit or assess such fines or penalties which the commission shall in its discretion deem appropriate. (*Indiana Horse Racing Commission; 71 IAC 11-1-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1213; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2087; readopted filed Oct 30, 2001, 11:50*)

a.m.: 25 IR 899)

71 IAC 11-1-17 Delay in completion of racing facility

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 17. (a) Failure of a permit holder to begin the type of racing authorized under the permit as specified by the commission by the date specified in the permit may, at the sole discretion of the commission, subject the permit holder to a late fee not to exceed fifteen thousand dollars (\$15,000) for every day that racing is not conducted after the commencement date specified in the permit for racing to begin. However, this late fee shall not be required to be paid for any particular day if the permit holder can prove to the satisfaction of the commission that the delay arose out of causes beyond the control and without the fault or negligence of the permit holder, its contractors, and subcontractors.

(b) Such causes referred to in subsection (a) may include, but are not limited to:

- (1) acts of God or enemies of the United States;
- (2) acts of government in either its sovereign or contractual capacity;
- (3) fires;
- (4) floods;
- (5) epidemics;
- (6) quarantine restrictions;
- (7) strikes;
- (8) freight embargoes; and
- (9) unusually severe weather;

but in every case the delay shall be beyond the control and without the negligence of the permit holder, its contractors, and subcontractors.

(c) If the cause of delay is the default of a contractor or subcontractor, and if the permit holder proves to the satisfaction of the commission that the default arose out of causes beyond the control of the permit holder, its contractors, and subcontractors, then the late fee shall not be due unless the supplies or services to be furnished by the contractor or subcontractor were obtainable from other sources in sufficient time to permit the permit holder to meet the completion date. (*Indiana Horse Racing Commission; 71 IAC 11-1-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1214; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-18 Filing of permit holder's organizational documents

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 18. Each permit holder is required to keep on file with the commission a current copy of its organizational documents, such as articles of incorporation, by-laws, articles of partnership, certificate of limited partnership, etc. Any amendment to these documents shall be filed with the commission as soon as is practicable by the applicant. (*Indiana Horse Racing Commission; 71 IAC 11-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1214; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-19 Administrative Adjudication Act

Authority: IC 4-31-3-9

Affected: IC 4-21.5; IC 4-31-5

Sec. 19. The issuance, denial, suspension, diminishment, or revocation of a permit under this article is subject to IC 4-21.5. (*Indiana Horse Racing Commission; 71 IAC 11-1-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1214; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-20 Issuance of permit

Authority: IC 4-31-3-9

Affected: IC 4-31-5

Sec. 20. In considering the issuance of a permit, the commission shall approve, modify and approve, or deny the request for a permit. In issuing a permit, the commission may, in its sole discretion, specify in detail any conditions to which the issuance of a permit is subject. (*Indiana Horse Racing Commission; 71 IAC 11-1-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1214; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-21 Annual permit renewal

Authority: IC 4-31-3-9

Affected: IC 4-31-5

Sec. 21. (a) An applicant for a renewal of a permit issued under IC 4-31-5 shall submit the following to the commission's office no later than the date specified in section 3(b) of this rule:

(1) A letter of transmittal to the commission and fifteen (15) copies of the renewal application.

(2) A cashier's check or certified check payable to the commission in the amount of five thousand dollars (\$5,000) as a nonrefundable annual permit fee.

(3) Any changes to the information previously submitted to the commission for applicant's existing permit which have not been previously considered and acted upon by the commission.

(4) A request for race dates and additional information required under 71 IAC 2-9-1.

(5) Any additional information requested by the commission either before or after the renewal application is submitted.

(b) The commission may issue a renewal permit if it determines that the applicant has met the permit criteria of section 6 of this rule.

(c) The assignment of race dates and racing meetings may be the subject of a separate proceeding conducted by the commission. (*Indiana Horse Racing Commission; 71 IAC 11-1-21; emergency rule filed Nov 10, 1994, 4:40 p.m.: 18 IR 545; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1508; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 11-1-22 Reporting of interest in a permit holder

Authority: IC 4-31-3-9

Affected: IC 4-31-13-3.5

Sec. 22. (a) This rule applies to all permit holders.

(b) As used in this rule, "interest in a permit holder" has the meaning set forth in IC 4-31-13-3.5(f).

(c) All permit holders must file a quarterly report that sets forth those persons who hold an interest in a permit holder.

(d) The quarterly report must be filed in the format directed by the executive director, or the executive director's designee, by the fifteenth day of the month following the close of the quarter based on the calendar quarter, or at a time as directed by the executive director.

(e) The report must be filed with the following:

(1) The commission.

(2) The state election commission.

(f) A permit holder or a person with an interest in a permit holder shall not make a contribution to a candidate or committee in violation of IC 4-31-13-3.5.

(g) If the commission, or its executive director, determines that a permit holder may have violated this rule, the executive director or the commission may initiate an investigation, a disciplinary action, or both, under 71 IAC 10. (*Indiana Horse Racing Commission; 71 IAC 11-1-22; emergency rule filed December 10, 1996, 3:30 p.m.: 20 IR 982; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 12. SATELLITE FACILITY AND SIMULCASTING

Rule 1. License Application Requirements and Criteria

71 IAC 12-1-1 Authority

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 1. IC 4-31-3-9 authorizes the commission to adopt rules to implement this article. (*Indiana Horse Racing Commission; 71 IAC 12-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1214; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-2 Purpose

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 2. The purpose of this article is as follows:

(1) To ensure that pari-mutuel wagering at satellite facilities in Indiana will be conducted with the highest of standards and the greatest level of integrity.

(2) To establish application and license criteria for the issuance of licenses to conduct activities relating to pari-mutuel wagering at satellite facilities in order to ensure the protection of the public interest.

(3) To ensure that the process of the issuance of licenses relating to pari-mutuel wagering at satellite facilities is fair and equitable.

(*Indiana Horse Racing Commission; 71 IAC 12-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1214; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-3 Time for filing of applications for licenses

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 3. (a) The commission shall determine, and give ten (10) days public notice of, a thirty (30) day period in which initial license applications will be accepted. The notice of the thirty (30) day period will be given reasonably promptly after the commission considers and acts upon the permit applications filed during the one hundred six (106) day period from May 1 to August 14, 1992. The initial license applications submitted during the thirty (30) day period will be considered and acted upon by the commission as a group when considering whether to grant a license or licenses. Thereafter, initial license applications will be considered and acted upon by the commission from time to time as submitted. Provided, however, that initial license applications received after the thirty (30) day period will not be considered by the commission until after the commission has considered and acted upon the initial license applications filed during the thirty (30) day period described above.

(b) Thereafter, subsequent to implementation of subsection (a), license holders under IC 4-31-5.5 shall file an annual renewal license application with the commission no later than November 1 of the year preceding the year in which pari-mutuel wagering at a satellite facility is to be conducted. (*Indiana Horse Racing Commission; 71 IAC 12-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1215; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-4 Application form and affidavit

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 4. (a) An applicant for a license under IC 4-31-5.5 shall submit to the commission an affidavit and application and any exhibits thereto, in the form and manner prescribed by the commission and on forms furnished by the commission. The application and related forms shall be available at the commission's office.

(b) The applicant shall use best efforts to provide all information required to be disclosed in the application. In the event an applicant is unable, despite best efforts, to provide the information required, the applicant shall fully explain and document to the satisfaction of the commission its inability to provide the information and shall provide such information promptly upon being able to do so.

(c) Upon request of the commission or its agents, the applicant shall provide copies of any documents used in the preparation of its application. (*Indiana Horse Racing Commission; 71 IAC 12-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1215; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-5 Application submission

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 5. An applicant for a license under IC 4-31-5.5 shall submit the following to the commission's office not later than the date specified in section 3 of this rule:

(1) All documents required by IC 4-31 and this article as a single assemblage and sequentially numbered, including exhibits, with each exhibit properly identified.

(2) A letter of transmittal to the commission and, in sealed envelopes, one (1) manually signed, and fifteen (15) copies of the application.

(3) The applicant shall be responsible for the payment of any and all fees and expenses with regard to the initial license application incurred by the commission, at its discretion, for outside professionals and consultants, excluding legal and investigative fees. As an initial retainer against such initial license application fee, the applicant shall submit, at the time of providing a license application to the commission, a cashier's check or certified check in an amount to be determined by the commission, payable to the commission. Any portion of such fees not required to complete such review as determined by the commission shall be refunded to the applicant within twenty (20) days of the withdrawal or rejection of the initial license application or within twenty (20) days of the granting of the license. To the extent additional fees are necessary, as determined by the commission, the applicant shall submit a cashier's check or certified check payable to the commission in an amount requested by the commission within ten (10) days of receipt of such request. Failure to submit such additional fees will result in suspension of the processing of the license application by the commission and may ultimately result in the denial of the issuance of a license.

(4) The commission may require the payment of investigative fees, to be determined by the commission, if the commission shall determine that an investigation is necessary.

(Indiana Horse Racing Commission; 71 IAC 12-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1215; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-1-6 License criteria

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 6. (a) The commission may issue a license under IC 4-31-5.5 if the commission determines that the applicant meets all of the requirements under IC 4-31 and this title and, on the basis of all facts before it, the following is shown:

(1) The applicant has been granted a permit by the commission and has met the requirements of IC 4-31 as determined by the commission.

(2) The applicant is qualified and financially able to operate a satellite facility.

(3) The satellite facility will be operated in accordance with all applicable laws and rules.

(b) In reviewing an application, the commission may consider any information, data, reports, findings, factors, or indices available which it considers important or relevant to its determination of whether an applicant is qualified to hold a satellite facility license under IC 4-31-5.5, including, without limitation, the following:

(1) The integrity of the applicant, its partners, directors, officers, policymakers, owners, directly or indirectly, of any equity, security, or other ownership interest in the applicant, including, but not limited to, the following:

(A) Criminal record.

(B) Whether a party to litigation over business practices, disciplinary actions over a business license or permit, or refusal to renew a license or permit.

(C) Proceedings in which unfair labor practices, discrimination, or governmental regulation of pari-mutuel wagering was an issue or bankruptcy proceedings.

(D) Failure to satisfy judgments, orders, or decrees.

(E) Delinquency in filing of tax reports or remitting taxes.

(F) Any other indices related to the integrity of the applicant which the commission considers important or relevant to this determination.

(2) The quality of physical improvements and equipment proposed or existing in the applicant's satellite facility, including,

but not limited to, the following:

- (A) Patron areas.
 - (B) Totalizer equipment.
 - (C) Parking.
 - (D) Access by road and public transportation.
 - (E) Commission work area.
 - (F) Concession areas.
 - (G) Pari-mutuel management areas.
 - (H) Any other indices related to the quality of physical improvements and equipment which the commission considers important or relevant to its determination.
- (3) Schedule for completion of satellite facility and feasibility of meeting schedule, including commitments of architects, engineers, contractors, suppliers, materialmen, and vendors.
- (4) The types, quality, and variety of pari-mutuel horse racing which applicant seeks to simulcast.
- (5) Financial ability of the applicant to develop, own, and operate a satellite facility successfully, including, but not limited to, the following:
- (A) Ownership and control structure; amounts and reliability of developmental costs.
 - (B) Certainty of site acquisition or lease.
 - (C) Current financial condition.
 - (D) Sources of equity and debt funds, amounts, terms and conditions, and certainty of commitment.
 - (E) Provisions for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues, or other financial adversity.
 - (F) Feasibility of financial plan.
 - (G) Expert opinions relative to feasibility.
 - (H) Any other indices related to financial ability which the commission considers important or relevant to its determination.
- (6) Status of governmental actions required by the applicant's facility, including, but not limited to, the following:
- (A) Necessary road improvements.
 - (B) Necessary public utility improvements.
 - (C) Required governmental approvals for development, ownership, and operation of the satellite facility, including appropriate zoning approvals.
 - (D) Any other indices related to the status of governmental action which the commission considers important or relevant to its determination.
- (7) Management ability of the applicant, including, but not limited to, the following:
- (A) Qualification of managers, consultants, and other contractors to develop, own, or operate a satellite facility.
 - (B) Security plan.
 - (C) Marketing, promotion, and advertising plans.
 - (D) Concession plan.
 - (E) Personnel training plan.
 - (F) Equal employment and affirmative action plans.
 - (G) Any other indices related to management ability which the commission considers important or relevant to its determination.
- (8) Compliance with applicable statutes, charters, ordinances, or regulations.
- (9) Efforts to promote, develop, and improve the horse racing industry in Indiana, including the investment by applicant at its pari-mutuel race track and proposed satellite facilities in Indiana.
- (10) Impact of satellite facility, including, but not limited to, the following:
- (A) Employment created, purchases of goods and services, public and private investment, and taxes generated.
 - (B) Ecological and environmental impact.
 - (C) Social impact.
 - (D) Cost of public improvements.
 - (E) Public interest.
 - (F) Any other indices related to the impact of the proposed facility which the commission considers important or

relevant to its determination.

- (11) Extent of public support or opposition to the satellite facility at the location where the license is sought.
- (12) Effects of location of satellite facility, including, but not limited to, the following:
 - (A) Number, nature, and relative location of other licenses.
 - (B) Impact of facility on the business of a track(s) or satellite facility owned by another permit holder.
 - (C) Impact of facility on permit holder's race track.
 - (D) Impact of facility on live racing, including the impact on purses.
 - (E) Any other indices relating to location of the satellite facility which the commission considers important or relevant to its determination.
- (13) The commission may consider any other information which the commission considers important or relevant to a proper determination by the commission.

(Indiana Horse Racing Commission; 71 IAC 12-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1215; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-1-7 Initial operations

Authority: IC 4-31-3-9
Affected: IC 4-31-5.5

Sec. 7. Upon the granting of a license to an applicant, the license holder may not commence the operation of the satellite facility so licensed until such time as live racing commences at the race track of the permit holder or group of permit holders who are granted a license hereunder. *(Indiana Horse Racing Commission; 71 IAC 12-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1217; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 12-1-8 Mileage restrictions

Authority: IC 4-31-3-9
Affected: IC 4-31-5.5

Sec. 8. A proposed satellite facility may not be located within twenty-five (25) miles of an approved or existing race track in Indiana that conducts pari-mutuel wagering without the prior written permission of the permit holder that operates the approved or existing race track. Such restriction shall not prevent the approval by the commission of a race track within twenty-five (25) miles of an approved or existing satellite facility. *(Indiana Horse Racing Commission; 71 IAC 12-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1217; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 12-1-9 Conditional approval of simulcasting dates

Authority: IC 4-31-3-9
Affected: IC 4-31-5.5

Sec. 9. The commission may conditionally approve any and all simulcasting dates requested in the license application or requested by the license holder after a license is granted subject to receipt by the commission of the simulcasting schedule requested. In determining the conditional approval of the simulcasting dates, the factors to be considered by the commission shall include, without limitation, the following:

- (1) The economic impact in the locality of the satellite facility.
- (2) The effects that the simulcast races will have on purses, including purses to the breed of horse then currently racing live.
- (3) The quality of horse racing to be simulcast.
- (4) The impact of the approval on the horse racing and horse breeding industry in the state of Indiana.
- (5) Past dates.
- (6) Past performance of the license holder.
- (7) Whether the license holder has complied with all applicable laws and rules relating to horse racing.
- (8) Whether the approval will maximize revenues to the state.
- (9) Whether the approval will adversely affect the public health, welfare, and safety.
- (10) Any other indices relating to the approval of simulcasting dates and simulcasting contracts which the commission

considers important or relevant to its determination.

(Indiana Horse Racing Commission; 71 IAC 12-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1217; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2087; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-1-10 Approval of simulcasting and simulcasting schedule

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 10. (a) The commission delegates to the executive director the authority to make approvals under this section, unless the executive director in his or her discretion determines that consideration and approval by the commission is necessary. The license holder may, from time to time, request the executive director of the commission for approval of simulcasting and the specifics of a simulcasting schedule from its racetrack or for its satellite facilities.

(b) The association, whether acting as a host track or a receiving track or satellite facility, shall comply with the filing requirements and conditions as determined by the commission.

(c) The association shall retain a copy of each simulcast contract to be available to the commission upon request.

(d) Compliance by the association with the filing requirements and conditions of subsection (b) shall, unless the executive director or the commission advises the association in writing within five (5) business days after satisfying the filing requirements, be deemed:

(1) approval of the simulcasting and simulcast schedule;

(2) approval for the participation by the association in either interstate common pools or merged pools, including changes in takeout rates to achieve a common takeout rate or otherwise achieve an equitable combination in an interstate common pool or merged pool; and

(3) compliance with 71 IAC 12-2-7.

(Indiana Horse Racing Commission; 71 IAC 12-1-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1217; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1508; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2088; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-1-11 Changes in license applications

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 11. (a) An applicant shall furnish written notification to the commission of any material change in the information originally submitted in its application. This notification shall be made within five (5) days following the event of such change and provide details to the degree of specificity required in the application.

(b) Notwithstanding an applicant's timely notification of a material change in the information submitted in its application, the commission may refuse to consider any substantive amendment to an application after the initial submission of the application.

(Indiana Horse Racing Commission; 71 IAC 12-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1218; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-1-12 Additional information

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 12. The commission may require, either before or after oral presentation, any additional information it considers necessary or relevant from any applicant to clarify, support, or otherwise explain information contained in the applicant's application for the purpose of ruling on a license application. *(Indiana Horse Racing Commission; 71 IAC 12-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1218; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 12-1-13 Oral presentation by applicant

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 13. The commission shall provide the applicant for a license under IC 4-31-5.5 an opportunity to make an oral presentation of its application to the commission prior to the ruling on the application. The presentation shall be made by an applicant, under oath, at a session of the commission. The presentation shall be limited to the information contained in the applicant's application. The commission is not required to afford an applicant more than one (1) opportunity to make an oral presentation on the same application prior to a commission determination. Provided, however, the commission may require an applicant to appear before the commission to clarify or otherwise respond to questions concerning the application as a condition to the issuance of a license. No opportunity for an oral presentation need be given, if, at any time, the commission deems the applicant's application not complete and does not accept the application for filing. (*Indiana Horse Racing Commission; 71 IAC 12-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1218; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-14 License applications as public records

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5; IC 5-14-3-2; IC 5-14-3-4

Sec. 14. The secretary of the commission shall retain and safeguard all applications received under IC 4-31-5.5. Promptly after an application has been filed, the secretary shall deliver the application to the commission for review. Upon filing, the application shall become a public record as defined in IC 5-14-3-2, therefore making the application subject to public inspection or copying, except that any personal financial information required in the application or as a supplement thereto shall be kept confidential in accordance with IC 5-14-3-4(a)(5). (*Indiana Horse Racing Commission; 71 IAC 12-1-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1218; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-15 Contracts with a license holder; approval by commission

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5; IC 4-31-6-1

Sec. 15. (a) A license holder may not execute any of the following contracts regarding the operation of the satellite facility for which the license holder is licensed without the prior approval of the commission:

(1) A contract, other than an employment contract, for which the amount of consideration is fifty thousand dollars (\$50,000) or more.

(2) A series of contracts effective during the same fiscal year of the license holder, other than employment contracts, between the license holder and the same contractor for which the total amount of consideration of the contracts is fifty thousand dollars (\$50,000) or more.

(3) A contract for management, concession, or totalizator services.

(b) A contract that requires approval under this section must be in writing.

(c) To receive the approval of the commission for a proposed contract subject to this section, the license holder shall submit to the commission a copy of the proposed contract and background information on the contractor on a form provided by the commission.

(d) The commission may delegate to the secretary of the commission the authority to approve contracts other than contracts for management, concession, or totalizator services.

(e) The commission or, upon delegation of the commission, the secretary of the commission, shall determine whether the contract may affect the integrity of pari-mutuel racing. In making a determination that a contract may affect the integrity of racing, the commission or, upon delegation by the commission, the secretary of the commission, may consider such factors as it considers relevant, including, without limitation, the following:

(1) The value and duration of the contract.

(2) The extent to which the contractor will be on the premises of the license holder.

(3) The relationship of the contract to the general security of a facility, including opportunity for contact between the contractor, occupational licensees, or patrons.

(4) The opportunity for the contractor to influence the management and conduct of pari-mutuel racing.

(5) The contact with admission, pari-mutuel, or concession money.

(6) Whether the commission has reason to believe that the contractor is incompetent, financially irresponsible, or not of good character.

(f) Until approved by the commission, any contract regarding the operation of a satellite facility described in subsection (a) shall not be valid or binding on any licensee. The commission or, upon delegation by the commission, the secretary of the commission, shall, within forty-five (45) days after submission of a contract to the commission, approve or disapprove the contract, and, if not acted upon by the commission within forty-five (45) days of the submission, the contract will be considered approved by the commission. Provided, however, that the commission or, upon delegation by the commission, the secretary of the commission, may request additional information regarding the contract during the forty-five (45) day period and shall thereafter have thirty (30) days to act with respect to the contract after receipt of such additional information. Provided, further, that the license holder may request that the commission take action on the contract within a shorter period of time, which period may be accepted by the commission or, upon delegation by the commission, the secretary of the commission, in their sole discretion upon a showing of good cause by the license holder.

(g) Any contract regarding the operation of the satellite facility for less than fifty thousand dollars (\$50,000) entered into by any licensee shall be filed with the commission within seven (7) days of execution.

(h) A satellite license holder for a particular location may not receive services from another person or entity at such location if the performance of the services by that person or entity requires a license under IC 4-31-6-1, unless that person or entity is licensed under IC 4-31-6-1 to provide those services at that particular location.

(i) In the event any licensee takes actions pursuant to any contract which has not been approved or filed as provided herein, or which is not permitted as provided in subsection (h), the commission may suspend or revoke the license held by the licensee or assess such fines or penalties which the commission shall in its discretion determine appropriate. (*Indiana Horse Racing Commission; 71 IAC 12-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1218; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-16 Transfers of licenses

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 16. A license issued under IC 4-31-5.5 is for the benefit of the license holder only and is applicable only to the location for which the license was issued. The license may not be sold or otherwise transferred and shall terminate upon a substantial change of ownership of the license holder, unless the commission has granted prior written approval of the substantial change. The sale, pledge, encumbrance, or other transfer of five percent (5%) or more of the equity securities or other ownership interest of a partnership, association, corporation, or other entity holding a license shall be considered a substantial change of ownership. Any request for approval of a substantial change of ownership shall contain, where applicable, the same information about the proposed transferee as is required to be furnished under section 4 of this rule. Upon receipt of all information required by the commission with regard to a proposed substantial change in ownership, the commission shall, within sixty (60) days, make a determination whether to authorize and approve the substantial change in ownership of a license holder. (*Indiana Horse Racing Commission; 71 IAC 12-1-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1219; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-17 Validity of application information

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 17. False or misleading information, omission of required information, or substantial deviation from representations in the application for a license under IC 4-31-5.5 is cause of denial, revocation, or suspension of a license. (*Indiana Horse Racing Commission; 71 IAC 12-1-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1219; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-18 Enforcement of rules

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 18. Each license holder has a duty to comply with the rules of the commission at all times and acknowledge that the rules are a condition under which the license is granted. (*Indiana Horse Racing Commission; 71 IAC 12-1-18; emergency rule filed Feb*

10, 1994, 9:20 a.m.: 17 IR 1219; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-1-19 Material modification, expansion, or reduction of proposed or existing satellite facility

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 19. No license holder may materially alter an existing or proposed satellite facility after a license has been issued for that facility without prior approval of the commission or, upon delegation by the commission, the secretary of the commission. No license holder may expand or reduce an existing or proposed satellite facility after a license has been issued for that facility, which expansion or reduction would result in an increase or decrease in the actual cost of the facility of twenty-five thousand dollars (\$25,000) or more in as compared to the estimated or projected development costs of the facility as proposed at the time the license was granted or which would cost in excess of fifty thousand dollars (\$50,000) at an existing facility, without prior approval of the commission or, upon delegation by the commission, the secretary of the commission. In the event a license holder shall fail to obtain required approval, the commission may revoke or suspend the license holder's license or assess such fines or penalties which the commission shall in its discretion determine appropriate. (*Indiana Horse Racing Commission; 71 IAC 12-1-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1219; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2089; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-20 Delay in completion of satellite facility

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 20. (a) Failure of a license holder to begin simulcasting authorized under the license as specified by the commission by the date specified in the license may, at the sole discretion of the commission, subject the license holder to a late fee not to exceed five thousand dollars (\$5,000) for every day that simulcasting is not conducted after the commencement date specified in the license. However, this late fee shall not be required to be paid for any particular day if the license holder can prove to the satisfaction of the commission that the delay arose out of causes beyond the control and without the fault or negligence of the license holder, its contractors, and subcontractors.

(b) Such causes referred to in subsection (a) may include, but are not limited to:

- (1) acts of God or enemies of the United States;
- (2) acts of government in either its sovereign or contractual capacity;
- (3) fires;
- (4) floods;
- (5) epidemics;
- (6) quarantine restrictions;
- (7) strikes;
- (8) freight embargoes; and
- (9) unusually severe weather;

but in every case the delay shall be beyond the control and without the negligence of the license holder, its contractors, and subcontractors.

(c) If the cause of delay is the default of a contractor or subcontractor, and if the license holder proves to the satisfaction of the commission that the default arose out of causes beyond the control of the license holder, its contractors, and subcontractors, then the late fee shall not be due unless the supplies or services to be furnished by the contractor or subcontractor were obtainable from other sources in sufficient time to allow the license holder to meet the completion date. (*Indiana Horse Racing Commission; 71 IAC 12-1-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1220; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-21 Filing of license holder's organizational documents

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 21. Each license holder is required to keep on file with the commission a current copy of its organizational documents,

such as articles of incorporation, bylaws, articles of partnership, certificate of limited partnership, etc. Any amendment to these documents shall be filed with the commission as soon as is practicable by the applicant. (*Indiana Horse Racing Commission; 71 IAC 12-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1220; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-22 Administrative orders and procedures statute

Authority: IC 4-31-3-9

Affected: IC 4-21.5; IC 4-31-5

Sec. 22. The issuance, denial, suspension, diminishment, or revocation of a license under this article is subject to IC 4-21.5. (*Indiana Horse Racing Commission; 71 IAC 12-1-22; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1220; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-23 Annual license renewal and fee

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 23. (a) Upon the issuance of an initial license, the license holder shall submit to the commission a cashier's check or certified check payable to the commission as a nonrefundable annual license fee in the amount of one thousand dollars (\$1,000).

(b) An applicant for a renewal of a license under IC 4-31-5.5 shall submit the following to the commission's office no later than the date specified in section 3(b) of this rule:

(1) A letter of transmittal to the commission and fifteen (15) copies of the renewal application for each license.

(2) A cashier's check or certified check payable to the commission in the amount of one thousand dollars (\$1,000) as a nonrefundable annual license fee for each license.

(3) Any changes to the information previously submitted to the commission for applicants' existing licenses to conduct pari-mutuel wagering at a satellite facility which have not been previously considered and acted upon by the commission.

(4) A request for conditional approval of simulcasting dates under section 9 of this rule.

(5) Any additional information requested by the commission either before or after the renewal application is submitted.

(c) The commission may issue a renewal license or licenses if it determines that the applicant has met the license criteria of section 6 of this rule.

(d) The conditional approval of simulcasting dates may be the subject of a separate proceeding conducted by the commission.

(*Indiana Horse Racing Commission; 71 IAC 12-1-23; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1220; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1509; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-1-24 Issuance of license

Authority: IC 4-31-3-9

Affected: IC 4-31-5

Sec. 24. In considering the issuance of a license, the commission shall approve, modify and approve, or deny the request for a license. The commission may, in its sole discretion, preliminarily and conditionally approve the proposed location of a satellite facility, subject to the subsequent filing of a license application and compliance by the license applicant with all statutes, rules, and regulations related to the issuance of a license. In issuing a license, the commission may, in its sole discretion, specify in detail any conditions to which the issuance of a license is subject. (*Indiana Horse Racing Commission; 71 IAC 12-1-24; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1220; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Operations

71 IAC 12-2-1 Application

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. This rule applies to satellite facilities and simulcasting to and from a permit holder's track. (*Indiana Horse Racing*

Commission; 71 IAC 12-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1221; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-2-2 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-13-1; IC 4-31-7-7

Sec. 2. The commission may impose a civil penalty pursuant to IC 4-31-13-1 for each violation of the terms of the Act relating to:

- (1) the conduct of satellite and simulcast wagering;
- (2) any rules adopted by the commission;
- (3) any order of the commission;
- (4) any action, or failure to act, which the commission finds and determines to be a detriment or impediment to satellite wagering; or
- (5) any requirement imposed as a condition of licensure.

(Indiana Horse Racing Commission; 71 IAC 12-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1221; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-2-3 Commission office

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 3. Each satellite facility shall provide working space at the satellite facility for commission employees to carry out their duties of inspection and regulation. *(Indiana Horse Racing Commission; 71 IAC 12-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1221; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 12-2-4 Simulcast requirements

Authority: IC 4-31-3-9

Affected: IC 4-31-7-7

Sec. 4. (a) The permit holder conducting the horse race upon which satellite wagering is being conducted is responsible for the content of its simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of its racing program.

(b) Every simulcast shall be encrypted in a manner approved by the commission. However, the commission or the executive director may waive the requirement for the encryption and decoding of transmissions originated in another state if the signal is available on cable or network television. At the request of the association, the commission may waive the encryption requirement for a special race, a series of special races, or for experimental purposes.

(c) Every simulcast shall contain in its video content the following:

- (1) A digital display of the actual time of day, the name of the race track from where it emanates, and the number of the race being displayed.
- (2) A periodic display of wagering information, including:
 - (A) odds;
 - (B) probable payoffs; and
 - (C) pool totals.
- (3) Continuity of programming between horse racing events.

(d) The transmission of the audio portion of the coverage shall be independent of the transmission of the video portion. *(Indiana Horse Racing Commission; 71 IAC 12-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1221; emergency rule filed Nov 10, 1994, 4:40 p.m.: 18 IR 545; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2089; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 12-2-5 Interruption of signal

Authority: IC 4-31-3-9

Affected: IC 4-31-7-7

Sec. 5. (a) In the event the transmission or reception of the audio coverage of a race is interrupted, the video signal of the race shall continue to be present.

(b) In the event the transmission or reception of the video coverage of a race is interrupted, the audio coverage of the race shall continue to be presented.

(c) If the reception of the audio and video coverage of a race is interrupted, wagering being conducted on future races at the nonprimary location shall cease until the transmissions are restored.

(d) If the interruption of audio or video coverage, or both, prevent the display of a race at the nonprimary location, a replay of the race shall be displayed at the nonprimary location as soon after the restoration of coverage as possible. (*Indiana Horse Racing Commission; 71 IAC 12-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1221; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-2-6 Wagering pools on intrastate simulcasting

Authority: IC 4-31-3-9

Affected: IC 4-31-7-7

Sec. 6. All wagers accepted by a satellite facility or a track on races originating from a race track in Indiana shall be transmitted to the host track for inclusion in the appropriate wagering pool for the purpose of calculating payoffs to bettors. (*Indiana Horse Racing Commission; 71 IAC 12-2-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1221; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-2-7 Wagering pools on interstate simulcasting

Authority: IC 4-31-3-9

Affected: IC 4-31-7-8; IC 4-31-9-1

Sec. 7. Upon petition by the permit holder the commission may authorize a permit holder to participate in an interstate combined wagering pool that is established for the purpose of calculation payoff pursuant to IC 4-31-7-8 on races origination in another state or country. The petition shall include the following:

- (1) The date or dates of simulcast.
- (2) The types of wagering opportunities to be offered.
- (3) The rate of takeout for each type of wager.
- (4) The method for calculating breakage.

Specifics attesting to the compatibility of the totalizator systems to transmit wagering information to the host track shall be provided. Approval of the racing jurisdiction where the signal is origination should be provided. Simulcast conducted on races originating in another state or country without commission approval of an interstate combined wager pool shall be conducted pursuant to IC 4-31-9-1. (*Indiana Horse Racing Commission; 71 IAC 12-2-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1222; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-2-8 Announcing the close of wagering

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5; IC 4-31-7-7

Sec. 8. The stop betting command shall be noted by the ringing of the off-bell at the satellite facility and the track receiving a simulcast signal. (*Indiana Horse Racing Commission; 71 IAC 12-2-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1222; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-2-9 Satellite facility wagering

Authority: IC 4-31-3-9
Affected: IC 4-31-5.5

Sec. 9. All pari-mutuel wagering at a satellite facility shall be conducted in accordance with the rules of the commission. Pari-mutuel tickets utilized at satellite locations shall be distinct from pari-mutuel tickets used at the permit holder's track. The form of the ticket utilized shall be approved by the commission or its designee prior to the operation of the satellite facility if it meets this standard. (*Indiana Horse Racing Commission; 71 IAC 12-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1222; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-2-10 Licensing of employees

Authority: IC 4-31-3-9
Affected: IC 4-31-5.5; IC 4-31-6

Sec. 10. (a) No person shall perform any work or services which are conducted in whole or in part on the grounds of a satellite facility without first obtaining a license issued by the commission pursuant to IC 4-31-6.

(b) The commission shall require all persons licensed pursuant to this section who routinely come in contact with the public to display an identification badge on their outer garment during the course of their employment. (*Indiana Horse Racing Commission; 71 IAC 12-2-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1222; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-2-11 Concessionaire license

Authority: IC 4-31-3-9
Affected: IC 4-31-5.5

Sec. 11. No concessionaire shall operate at any satellite facility in Indiana without an occupational license issued by the commission. (*Indiana Horse Racing Commission; 71 IAC 12-2-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1222; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-2-12 Duties of the permit holder acting as host association

Authority: IC 4-31-3-9
Affected: IC 4-31-7-7

Sec. 12. A permit holder acting as a host association shall provide the following:

- (1) An uplink system which shall not interfere with the closed circuit television system utilized by the permit holder for officiating and on-track patron information.
- (2) A transponder.
- (3) Pari-mutuel terminals, pari-mutuel odds display, modems, and switching units at the permit holder's track enabling pari-mutuel data transmissions and data communication to and from the totalizator utilized by the satellite facility.
- (4) A voice communication system between each satellite facility and the permit holder providing direct voice contact between the judges and pari-mutuel departments.
- (5) A video record of all simulcasts, in decoded form, and a copy of such record on either a one-half (1/2) inch or a three-quarter (3/4) inch video cassette when requested by the commission.
- (6) Not less than thirty (30) minutes prior to the commencement of transmission of the racing program for each day or night, a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.
- (7) At the request of any representative of the commission, a listing of all locations able to receive the simulcast in decoded form.
- (8) Such security controls over its uplink and communications system as directed by the commission.

(*Indiana Horse Racing Commission; 71 IAC 12-2-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1222; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2089; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 12-2-13 Duties of the satellite facility or permit holder acting as guest association

Authority: IC 4-31-3-9

Affected: IC 4-31-7-7; IC 5-14-3-4

Sec. 13. A satellite facility or permit holder acting as a receiving track shall provide the following:

- (1) A downlink system which shall not interfere with the closed circuit television system utilized by the satellite facility for officiating and satellite patron information.
- (2) Pari-mutuel terminals, pari-mutuel odds display, modems, and switching units at the satellite facility enabling pari-mutuel data transmissions and data communication to and from the totalizator utilized by the permit holder.
- (3) A voice communication system between each satellite facility and the host track providing direct voice contact between the judges and pari-mutuel departments.
- (4) A video record of all simulcasts, in decoded form, and a copy of such record on either a one-half (½) inch or a three-quarter (¾) inch video cassette when requested by the commission.
- (5) Not less than thirty (30) minutes prior to the commencement of transmission of the racing program for each day or night, a test program of its receiver, description and decoding, and data communication to assure proper operation of the system.
- (6) A separate outstanding ticket liability account must be maintained if the totalization system utilized by the satellite facility is independent from that of the permit holder.
- (7) Such security controls over its downlink and communications system as directed by the commission.
- (8) Compliance with the commission emergency stop betting procedures.
- (9) A separate annual report for the track and for each satellite facility shall be filed with the commission no later than March 31 after the close of the fiscal year. The annual report shall include a profit and loss statement and shall be in a format approved by the commission or the executive director. Such separate annual reports shall be considered as confidential financial documents, and therefore will be kept confidential in accordance with IC 5-14-3-4(a)(5). The commission, upon good cause shown, may extend the time for filing.

(Indiana Horse Racing Commission; 71 IAC 12-2-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1223; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2090; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 12-2-14 Suspension or termination of operations

Authority: IC 4-31-3-9

Affected: IC 4-31-5.5

Sec. 14. A license holder shall submit written notice of its intention to suspend or terminate operations at a satellite facility at least sixty (60) days prior to suspension or termination. The sixty (60) day notification period may be reduced by the commission for good cause shown. *(Indiana Horse Racing Commission; 71 IAC 12-2-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1223; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 12-2-15 Allocation of riverboat gambling admissions tax revenue

Authority: IC 4-31-3-9; IC 4-33-12-6

Affected: IC 4-31-11-10

Sec. 15. (a) An association must be racing live in order to be eligible to receive distributions of riverboat gambling admissions tax revenue pursuant to this section.

(b) The commission shall allocate the riverboat gambling admissions tax revenue distributed to the commission by the treasurer of state pursuant to IC 4-33-12-6 as follows:

- (1) Twenty percent (20%) divided equally between the standardbred breed development fund and the thoroughbred breed development fund as established by the commission under IC 4-31-11-10 after the first one hundred thousand dollars (\$100,000) is allocated to the quarter horse breed development fund.
- (2) Forty percent (40%) to purses for the benefit of horsemen, which shall be divided equally between the standardbred purse account and the thoroughbred purse account after the first two hundred thousand dollars (\$200,000) is allocated to purses for races for quarter horses. If more than one (1) track races a specific breed, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live race dates for that breed. To the extent

practical, the revenue received under this subsection shall be distributed as purses for the benefit of horsemen in the year in which the revenue is received.

(3) In a year in which only one (1) association conducts live pari-mutuel racing, forty percent (40%) shall go to the association after the first five hundred thousand (\$500,000) is distributed as follows:

- (A) Two hundred thousand (\$200,000) to the thoroughbred development fund.
- (B) Two hundred thousand (\$200,000) to the standardbred development fund.
- (C) One hundred thousand (\$100,000) to the quarter horse development fund.

Such revenue may be used by the association for purses, promotions, and routine operations of the race track. Provided, however, that such monies shall not be used for long term capital investment or construction.

(4) In a year in which more than one (1) association conducts live pari-mutuel racing, forty percent (40%) to the associations, which shall be divided proportionally based on the total purses, irrespective of any breed considerations, generated by each association's track and satellite facilities from the following sources:

- (A) Live handle at track.
- (B) Live handle at satellite facilities.
- (C) Interstate simulcasting receiving handle.
- (D) Interstate simulcasting sending handle.

Notwithstanding above formula, in a year which two (2) associations conduct commission approved live racing of both thoroughbreds and standardbreds at each facility, the forty percent (40%) shall be divided equally between associations.

(Indiana Horse Racing Commission; 71 IAC 12-2-15; emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1629; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2090; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2423; emergency rule filed Dec 22, 1999, 4:13 p.m.: 23 IR 1113, eff Dec 15, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-269(E) was filed with the secretary of state on December 22, 1999]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1189)

71 IAC 12-2-16 Allocation of simulcasting revenue to host association

Authority: IC 4-31-3-9

Affected: IC 4-31-9-2

Sec. 16. (a) Intrastate simulcasting revenue for purses under IC 4-31-9-2 generated by any association or satellite facility on a signal provided by a host association shall be allocated in full to purses to benefit the breed of horse at the host association that is providing the simulcasting signal.

(b) Interstate simulcasting revenue generated for purses under IC 4-31-9-2 by transmitting the signal of a host association to a location outside of the state of Indiana shall be allocated in full to purses to benefit the breed of horse at the host association that is providing the simulcasting signal. *(Indiana Horse Racing Commission; 71 IAC 12-2-16; emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1630; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 12-2-17 Allocation of interstate simulcasting revenue at a receiving one-breed association (Repealed)

Sec. 17. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1190)*

71 IAC 12-2-18 Allocation of interstate simulcasting revenue to purses

Authority: IC 4-31-3-9

Affected: IC 4-31-9-2

Sec. 18. Revenue for purses generated from the simulcasting of out-of-state signals into the state shall be divided and applied equally to standardbred purses and thoroughbred purses statewide. This division shall apply irrespective of the number of tracks, the breed of the incoming signal, and the number of live race dates conducted for either breed. If more than one (1) track races a specific breed, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live race dates for that breed. *(Indiana Horse Racing Commission; 71 IAC 12-2-18; emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1630; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2423; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1190)*

71 IAC 12-2-19 Allocation of breakage and outs

Authority: IC 4-31-3-9; IC 4-31-9-10

Affected: IC 4-31-11-10; IC 4-31-11-11

Sec. 19. All breakage and outs shall be distributed equally, irrespective of the number of tracks, between the standardbred breed development fund and the thoroughbred breed development fund as established by the commission under IC 4-31-11-10. (*Indiana Horse Racing Commission; 71 IAC 12-2-19; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2424; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1190*)

71 IAC 12-2-20 Allocation of simulcast revenue between associations

Authority: IC 4-31-3-9; IC 4-31-9-10

Affected: IC 4-31-11-10; IC 4-31-11-11

Sec. 20. In a year in which more than one (1) association conducts live pari-mutuel racing, an association that simulcasts into its track or satellite facilities a breed of horse which it does not race live shall share one-half (½) of its net retainage (after pari-mutuel taxes, host simulcast fees, and purses) on such wagering with any association that conducts live racing on said breed. Provided, however, that such sharing shall be limited to the track and/or any satellite facilities that are within twenty-five (25) miles of the other permit holder's track and/or satellite facilities. (*Indiana Horse Racing Commission; 71 IAC 12-2-20; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1190*)

ARTICLE 13. (RESERVED)

ARTICLE 13.5. THOROUGHBRED DEVELOPMENT PROGRAM

Rule 1. Indiana Bred

71 IAC 13.5-1-1 "Indiana bred" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. "Indiana bred" means any duly registered thoroughbred foaled in Indiana whose dam was registered with the commission and entered Indiana by December 1 of the year prior to foaling. The mare (dam) must remain in Indiana continuously until foaling. The resulting foal will then be eligible to be registered as an Indiana bred. In the event a mare entered Indiana and was registered with the commission after December 1 of the year prior to foaling, the foal (which must be foaled in Indiana) will be eligible to be registered as an Indiana bred only if said mare was bred back to a registered Indiana stallion in the year of foaling. (*Indiana Horse Racing Commission; 71 IAC 13.5-1-1; emergency rule filed Jun 22, 2000; 3:05 p.m.: 23 IR 2786; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 2. Registration

71 IAC 13.5-2-1 Mare registration

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. In order to be eligible to register a thoroughbred foal as Indiana bred, such foal must be foaled in Indiana and its dam must be registered with the commission. The mare must be registered and have entered Indiana by December 1, and must remain in Indiana continuously until foaling. In the event a mare entered Indiana and is registered with the commission after December 1, the foal (which must be foaled in Indiana) will be eligible to be registered as an Indiana bred only if said mare is bred back to a registered Indiana stallion in the year of foaling. The stallion must be registered with the commission in the year the foal was conceived. Mares must be reregistered every year. (*Indiana Horse Racing Commission; 71 IAC 13.5-2-1; emergency rule filed Jun 22, 2000; 3:05 p.m.: 23 IR 786; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; readopted filed Oct 30, 2001, 11:50 a.m.:*

25 IR 899)

71 IAC 13.5-2-2 Foal registration

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. In order to register a thoroughbred foal as an Indiana bred with the commission, a completed application must be filed with the commission within twelve (12) months of the horse's foaling date. If the horse is not registered by the required date, a late fee will be assessed in accordance with the following schedule:

(1) Twelve (12) months plus one (1) day to December 31 of yearling year, two hundred dollars (\$200).

(2) Two (2) year old year, four hundred dollars (\$400).

(3) Three (3) year old year, one thousand dollars (\$1,000).

(Indiana Horse Racing Commission; 71 IAC 13.5-2-2; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 13.5-2-3 Stallion registration

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. In order to register a stallion with the commission, a completed application must be filed with the commission on or before February 15 of each year. Each registered stallion must remain in Indiana the entire breeding season (February 1 through July 1). New stallions arriving late cannot have covered any mares in another state during the same year. New stallions standing in Indiana for the first time must file their application within thirty (30) days after breeding their first mare or by February 15, whichever is later. An application must be filed every year. There will be a one hundred dollar (\$100) late fee for all applications filed after the deadline. *(Indiana Horse Racing Commission; 71 IAC 13.5-2-3; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

Rule 3. Awards

71 IAC 13.5-3-1 Owner awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. An owner award is the award paid to the owner of a registered Indiana bred which wins any race at a licensed pari-mutuel track located in Indiana. The amount of the award is:

(1) twenty-five percent (25%) of the gross purse for all allowance and stakes (including Maiden Special Weights); and

(2) fifteen percent (15%) of the gross purse for all claiming races, except when entered for a claiming price of less than five thousand dollars (\$5,000).

Awards will be paid by the commission. Owner awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). *(Indiana Horse Racing Commission 71 IAC 13.5-3-1; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 13.5-3-2 Breeder awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. A breeder award means the award is paid to the breeder of a registered Indiana bred which wins any race at a licensed pari-mutuel track located in Indiana. The amount of the award is twenty percent (20%) of the gross purse for all stake, allowance, (including Maiden Special Weight) and claiming races, except when entered for a claiming price of less than five thousand dollars (\$5,000). Awards will be paid by the commission. Breeder awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). *(Indiana Horse Racing Commission; 71 IAC 13.5-3-2; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787;*

readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)

71 IAC 13.5-3-3 Out-of-state breeder's awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An out-of-state breeder's award is the award paid to the breeder of a registered Indiana bred which wins a race in another state or Canada. The amount of the award is ten percent (10%) of the winner's share of the purse for any race, except when entered for a claiming price of less than five thousand dollars (\$5,000). This award is applicable only in the event the commission approves less than seventy-five (75) days of live thoroughbred racing during a given year. This award is applicable only when there is no live thoroughbred race meet in progress in Indiana (except for stake races). Awards will be paid by the commission. Out-of-state breeder's awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission; 71 IAC 13.5-3-3; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*)

71 IAC 13.5-3-4 Stallion owner awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. A stallion owner award is the award is paid to the owner or lessee of a registered Indiana stallion whose registered progeny have won any race at a licensed pari-mutuel track located in Indiana. The amount of the award is five percent (5%) of the gross purse for all stake, allowance, and claiming races, except when entered for a claiming price of less than five thousand dollars (\$5,000). Awards will be paid by the commission. Stallion awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). The award will be paid to the owner or lessee of the registered stallion at time of conception. The stallion must have been registered at time of conception. (*Indiana Horse Racing Commission; 71 IAC 13.5-3-4; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*)

Rule 4. Restricted Races

71 IAC 13.5-4-1 Restricted races

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The commission, acting upon advice of the thoroughbred development advisory committee, shall approve each year a schedule of overnight races and stake races restricted to Indiana bred. Such schedule shall include monies distributed from the thoroughbred development fund as purse supplements. (*Indiana Horse Racing Commission; 71 IAC 13.5-4-1; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*)

Rule 5. Indiana Bred Preference

71 IAC 13.5-5-1 Indiana bred preference

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. A registered Indiana bred that receives a [*sic., an*] R-date or an E-date will receive starter preference over a non-Indiana bred with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana bred, stake races excepted. Indiana bred will not receive starter preference over non-Indiana bred with better R-dates, E-dates, or zero-dates. (*Indiana Horse Racing Commission; 71 IAC 13.5-5-1; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*)

Rule 6. Indiana Bred Weight Allowance

71 IAC 13.5-6-1 Indiana bred weight allowance

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Registered Indiana bred shall receive a three (3) lb. [pound] weight allowance when competing in races not restricted to Indiana bred, stake races excepted. (*Indiana Horse Racing Commission; 71 IAC 13.5-5-1; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

ARTICLE 14. (RESERVED)

ARTICLE 14.5. QUARTER HORSE DEVELOPMENT PROGRAM

Rule 1. Indiana Bred Quarter Horse Breed Development Program

71 IAC 14.5-1-1 Indiana bred quarter horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Indiana bred quarter horse means any duly registered quarter horse foaled in Indiana whose dam was registered with the commission and entered Indiana by December 1 of the year prior to foaling. The mare (dam) must remain in Indiana continuously until foaling. The resulting foal will then be eligible to be registered as an Indiana bred. In the event a mare entered Indiana and was registered with the commission after December 1 of the year prior to foaling, the foal (which must be foaled in Indiana) will be eligible to be registered as an Indiana bred only if said mare was bred back to a registered Indiana stallion in the year of foaling or mare may have been bred utilizing cooled semen from a stallion standing outside of Indiana, providing artificial insemination is performed in Indiana and proper documentation, as required was provided to the commission after foaling in Indiana. An Indiana bred quarter horse foaled prior to the year 2002 will require that the breeder must be a resident of Indiana as noted on the American Quarter Horse Association registration certificate. These horses must be registered with the commission by September 1, 2002, or will not be eligible for the Indiana bred program. The horse must be registered with the commission prior to being entered in an Indiana bred conditioned race. (*Indiana Horse Racing Commission; 71 IAC 14.5-1-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:23 p.m.: 25 IR 1190*)

71 IAC 14.5-1-2 Indiana foaled quarter horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Indiana foaled quarter horse means a horse whose American Quarter Horse Association registration certificate indicates Indiana as the state where the horse was foaled prior to the year 2002. A horse must be registered with the commission and a certificate issued prior to entry into an Indiana foaled conditioned race. These horses must be registered with the commission by September 1, 2002, or will not be eligible for the Indiana bred program. (*Indiana Horse Racing Commission; 71 IAC 14.5-1-2; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:23 p.m.: 25 IR 1191*)

71 IAC 14.5-1-3 Indiana owned quarter horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. Indiana owned quarter horse means a horse owned by a resident of Indiana as of June 1 and whose American Quarter Horse Association registration certificate indicates a purchase date prior to June 1, of the year it is to race as Indiana owned. Proof

of purchase date may be required to the satisfaction of the commission. Horse must be registered with the commission prior to being entered into an Indiana owned conditioned race. In order for a horse to participate as "Indiana owned", all owners of said horse must be Indiana residents. When transfer of ownership of an Indiana owned registered quarter horse is made from one (1) Indiana resident (must have owned horse prior to June 1 of transaction year) to another Indiana resident, or if horse is claimed by an Indiana resident at any licensed pari-mutuel race track. Registration with the commission must be within fifteen (15) days of transaction, it is then eligible to be entered into an Indiana owned conditioned race. Horses purchased at public auction or sales must submit registration applications and a copy of the front and back side of the AQHA certificate documenting purchase transfer by the auction or sale company within thirty (30) days of purchase. A leased horse is eligible to be entered in an Indiana owned conditioned race only when both owner and lessee are Indiana residents. The owned program will phase out as follows:

- (1) Two (2) year olds, at the conclusion of the 2003 racing season.
- (2) Three (3) year olds, at the conclusion of the 2004 racing season.
- (3) Four (4) year olds and older at the conclusion of the 2005 racing season.

(Indiana Horse Racing Commission; 71 IAC 14.5-1-3; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2538)

Rule 2. Registration

71 IAC 14.5-2-1 Mare registration

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. In order to be eligible to register a quarter horse foal as Indiana bred, such foal must be foaled in Indiana and its dam must be registered with the commission. The mare must be registered and have entered Indiana by December 1, and must remain in Indiana continuously until foaling. In the event a mare entered Indiana and is registered with the commission after December 1, the foal (which must be foaled in Indiana) will be eligible to be registered as an Indiana bred only if said mare is bred back to a registered Indiana stallion in the year of foaling or mare may have been bred utilizing cooled semen from a stallion standing outside of Indiana, providing artificial insemination is performed in Indiana and proper documentation as required was provided to the commission. If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required, then and only then will the foal be considered to become eligible to be registered as an Indiana bred foal. A stallion standing in Indiana must be registered with the commission in the year the foal is conceived. Quarter horse and thoroughbred mares must be reregistered every year. A copy of lease agreements must accompany the application. *(Indiana Horse Racing Commission; 71 IAC 14.5-2-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899)*

71 IAC 14.5-2-2 Foal registration

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. In order to be eligible to register a foal of 2002 and future as an Indiana bred with the commission, a completed application must be on file with the commission within twelve (12) months of the horse's foaling date. If the foal is not registered by the required date, a late fee will be assessed in accordance with the following schedule:

- (1) Twelve (12) months plus one (1) day to December 31 of yearling year, two hundred dollars (\$200).
- (2) Two (2) year old year, four hundred dollars (\$400).
- (3) Three (3) year old year, one thousand dollars (\$1,000) and beyond.

(Indiana Horse Racing Commission; 71 IAC 14.5-2-2; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539)

71 IAC 14.5-2-3 Stallion registration

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. In order to be eligible to register a stallion with the commission, a completed application must be on file with the commission on or before February 15 of each year. Each registered stallion must remain in Indiana the entire breeding season (February 1 through July 1). New stallions arriving late cannot have covered any mares in another state during the same year. New stallions standing in Indiana for the first time must file their application within thirty (30) days after breeding their first mare or by February 15, whichever is later. Quarter horse stallions may breed both quarter horse and thoroughbred mares. Thoroughbred stallions may breed quarter horse mares. Thoroughbred stallions breeding quarter horse mares must be registered in the quarter horse registry. A stallion must be registered with the commission the year of the foal's conception to be eligible for sire races and stallion awards. Stallions must be registered each year. Any living or deceased stallion having sired foals while standing in the state of Indiana prior to the year 2001 must have on file with the commission an application covering the years it stood in the state to be eligible for sire races and stallion awards. Beginning the year 2001, a mare's bred report must be on file with the commission by December 1 of each year. A copy of lease agreements must accompany the application. There will be a one hundred dollar (\$100) late fee for all applications filed after the deadline. This rule in no way restricts the shipment and use of cooled semen. Only those stallions standing in Indiana and duly registered with the Indiana horse racing commission are eligible for stallion breed development awards. (*Indiana Horse Racing Commission; 71 IAC 14.5-2-3; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 3. Awards

71 IAC 14.5-3-1 Owner awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. An owner award is the award paid to the owner of a registered Indiana bred, owned, or foaled quarter horse which places first, second, or third in any race except claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel race track in Indiana. The amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:

- (1) fifty percent (50%) is awarded to the winner;
- (2) thirty percent (30%) is awarded to second place; and
- (3) twenty percent (20%) is awarded to third place.

Awards will be paid by the commission. The combination of owner/breeder/stallion awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission 71 IAC 14.5-3-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

71 IAC 14.5-3-2 Breeder awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. A breeder award is the award paid to the breeder of a registered Indiana bred quarter horse which places first, second, or third in any race except claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel race track located in Indiana. The amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:

- (1) fifty percent (50%) is awarded to the winner;
- (2) thirty percent (30%) is awarded to second place; and
- (3) twenty percent (20%) is awarded to third place.

Awards will be paid by the commission. The combination of owner/breeder/stallion awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission; 71 IAC 14.5-3-2; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; errata filed Feb 9, 2001, 3:38 p.m.: 24 IR 2091; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539*)

71 IAC 14.5-3-3 Stallion owner awards

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. A stallion owner award is the award paid to the owner or lessee of a registered Indiana stallion whose registered progeny have won any race at a licensed pari-mutuel race track located in Indiana. The amount of the award is five percent (5%) of the gross purse for all stake, allowance, and claiming races except when entered for a claiming price of less than five thousand (\$5,000) or any speed index race. Awards will be paid by the commission. The combination of owner/breeder/stallion awards shall be limited to a single race award not to exceed ten thousand (\$10,000). The award will be paid to the owner or lessee of the registered stallion at time of conception. No stallion standing outside Indiana and shipping semen into the state will be eligible to participate in any stallion breed development awards. (*Indiana Horse Racing Commission; 71 IAC 14.5-3-3; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539*)

Rule 4. Restricted Races

71 IAC 14.5-4-1 Restricted races

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The commission, acting upon advice of the quarter horse development advisory committee, shall approve each year a schedule of overnight races and stake races restricted to Indiana bred, owned, or foaled. Such schedule shall include monies distributed from the quarter horse development fund as purse supplements. (*Indiana Horse Racing Commission; 71 IAC 14.5-4-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1038; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

Rule 5. Indiana Bred, Owned, or Foaled Preference

71 IAC 14.5-5-1 Indiana bred, owned, or foaled preference

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. A registered Indiana bred, owned, or foaled that receives a R-date or an E-date will receive starter preference over a non-Indiana bred, owned, or foaled with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana bred, owned, or foaled stake races excepted. Indiana bred, owned, or foaled will not receive starter preference over non-Indiana bred, owned, or foaled with better R-dates, E-dates, or zero-dates. (*Indiana Horse Racing Commission; 71 IAC 14.5-5-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1038; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

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